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Regular meeting of the Board of Selectmen held Wednesday, January 10, 1996 (originally scheduled for Jan. 8, 1996) Members present were: Peter V. Lawlor, William F. Dalton, Susan J. Gates and Thomas J. Welch. Chairman Robert P. Joyce was out of town on business. Town Manager Bernard Lynch was also present.

At 7:30 pm motion by Mr. Dalton, seconded by Ms. Gates, to open the meeting and adjourn to Executive Session to discuss collective bargaining. Roll Call vote was as follows: WFD-Aye; SJG-Aye; TJW-Aye and PVL-Aye.

At 8:30 pm the Board reconvened Open Session in Room 204. Vice Chairman Lawlor chaired the meeting, noting that the Board had opened the meeting downstairs, adjourned to Executive Session and are now re-opening the regular meeting.

A Public Hearing was held on the application of Bertucci's Brick Oven Pizzeria for an alteration to the premises at 14E Littleton Road. Mr. Lawlor stepped down and did not participate in the hearing due to a possible conflict of interest. Clerk William Dalton asked if anyone present wished to speak in favor of or opposition to this application and no one spoke.

Michael DeGuiseppe represented Bertucci's, stating that they want to expand the front facade to expand the takeout area but are not changing the outside of the facade. They will expand 90 sq. ft. under their liquor license. with no change in the seating. Motion by Mr. Welch, seconded by Ms. Gates, to close the public hearing.

Mr. Lynch asked if the Planning Board had voted earlier this evening when he met with them and Mr. DeGuiseppe said they would not vote until their meeting on Jan. 24th. Mr. Lynch recommended to the BOS that any vote they take tonight should be contingent on the Planning Board vote.

Mr. De Guisepe said the Planning Board did not require any take-out designated parking spaces, and Mr. Lynch said there have been some parking issues at that location and he suggested that they designate two spaces as take-out.

Motion by Ms. Gates, seconded by Mr. Walsh, 3 in favor, to approve the plan contingent upon a favorable Planning Board vote and two parking spaces be designated as carry-out.

Ms. Gates said now she knows that the lumberyard is leasing space for Bertucci's employees and they have installed stairs, what about more public parking space like Vinal Square, Mr. Lynch said he will look into it and bring it up to the Central Square Traffic Committee.

Under Town Manager reports Mr. Lynch asked about re-scheduling the Work Shop that was scheduled in December on the 5-year plan. Our fiscal condition today is improved from what it was a year ago, and he has a presentation to make to the BOS in a Work Session format. January 17 was tentatively agreed on.

Mr. Lynch went over the Snow and Ice Account, noting that prior to today we've spent more than the allotted budget this year. We have budgeted a good amount in

the past and the State makes us budget the same amount. We spent \$390,000 before today's storm and are \$40,000 over budget now. It is costing us about \$5,000 per inch and we are only 20 days into Winter.

He explained that the Recap sheet we submit to the State shows our anticipated revenues - Free Cash, Sewer revenues. State Aid and anticipated receipts, and our spending plan showing warrant articles, non-appropriated expenses, outlay for tax abatements and Snow and Ice shortfalls for the last Fiscal year.

He will report to the BOS at each meeting from now on, since we had anticipated app. \$100,000 from the FY97 budget. We are working with the MMA to see what the State can provide and can also use Free Cash and the Reserve Fund.

Mr. Lawlor asked Mr. Lynch to go over our DPW plowing strategies again. Mr. Lynch said he commends our DPW workers who went over 30 hours non-stop on Monday. He then explained our plowing policy:

When snow begins we sand and salt with our own 12 vehicles; when the snow is 3 or 4" the decision is made to send out the plows - we have only 20 Town vehicles, with a small DPW, and use 40 private plows for snow removal.

Our main priority is to get the major roads passable and then subdivisions and cul-de-sacs. We do an initial pass-through and try to push back more snow each time. When a storm winds down we push the snow back further - to a proper width for 2 vehicles to pass, to clear the storm drains and for future snow storms. It is unfortunate that we have to plow back into driveways but this is done at the end of the storm, the only time we can really push the snow back.

After that we do municipal and school parking areas and then sidewalks, in a priority fashion, and then go back out for more snow removal in the centers and to clear the intersections.

Ms. Gates asked about the closing of schools, and asked if we can coordinate with them. The School Supt. checks with his custodians and supts. in surrounding towns, but we will try to set up a better coordinated system. with input from the Police and DPW Dept.

Sel. Dalton asked to have Middlesex Street sidewalks cleared from Beech Street down.

Sel. Welch wants to give credit to the DPW workers and contractors for a good job.

Mr. Lawlor asked how do the elderly learn if the Senior Center and activities are cancelled and Mr. Lynch said we will put it on the radio and TV Message Center. He added that the Public Safety people deserve a lot of credit.

Mr. Lynch said that per Mr. Welch's request he had the intersection of Davis Road and Old Westford Road checked and the Police Dept. Safety Officer had a number of recommendations - signs, brush trimmed back, speed enforcement, etc,

Mr. Lynch stated that the Town is eligible for \$338,000 in sewer relief funds thru the MWRA. Our share is based on construction costs, which are now funded through the tax rate.

Mr. Lawlor then asked Mr. Lynch to give a report on litigation which we have just discussed in Executive Session.

Mr. Lynch said there are many suits pending against the Town, but the 3 most recent include:

1. Former Town Counsel James Harrington has sued for breach of contract - we have received the complaint and will issue our response by January 22nd. We are working with Kopelman & Paige to develop our strategy.
2. Apple Country Club Estates, Inc. - complaint not yet served on the Town, They had the option to purchase Apple Country Club so this will be a land damage claim. We are working with Kopelman & Paige and waiting for formal service. Then there will be a period of discovery.
3. There is a claim under Chapter 258 by our former Veterans' Agent Kevin Cody. He claimed that he was harmed by Mr. Lynch and Westford Manager Bob Halpin when he was not hired for the regional service director. Westford and Chelmsford had entered into an agreement with NMCOG and he was hired by them. When we were advised to establish a Veterans' Service District we terminated our agreement with NMCOG and hired a new Veterans' Service Director, Bill Hahn. We have not seen a law suit to follow this claim, which has been sent to Town Counsel and our insurance company.

Under Contract Awards, Mr. Lynch said that the management of the Apple Country Club golf course has been awarded to Sterling Golf Management of Foxboro with the same terms as announced at the last meeting - the Town will receive 12% of their gross revenue, with a minimum of \$50,000 per year and they will put 8% back into the community each year. We will have a review of their rate structures and want to call it the Chelmsford Country Club.

Motion by Ms. Gates, seconded by Mr. Welch, unan. that the name of our golf course be changed to Chelmsford Country Club.

Mr. Lynch said that our DPW will be doing some rock removal and other maintenance, and we will see some improvements by summer.

Mr. Welch asked who will be their main contact with the Town

and Mr. Lynch said we've established a coordinating committee - DPW, Recreation, Land Use Coordinator, Marian Currier who has done all the procurement, Fred Mansfield from the financial end and himself. They will meet with the operator on at least a monthly basis. We are working with the Building Inspector and the Board of Health on the clubhouse. We have spoken with 4 persons who are interested in the restaurant portion and will go back out with RFP's by the end of the month.

Mr. Welch asked if their rate structure will do anything for Senior Citizens and Chelmsford residents, and Mr. Lynch said we are looking at this. Mr. Welch added that he has heard very positive reports about Sterling from another manager.

Mr. Lawlor asked if this is a management contract, not a lease, and Mr. Lynch said Yes, it is a 3-year lease with an option for 2 additional years. We can review the financial arrangement at the end of 3 years. Mr. Lawlor asked for a copy of the draft contract, and Mr. Lynch said we can also use our auditors for input on financial controls. Mr. Lawlor asked if we will need any warrant articles for Town Meeting and was told No.

Mr. Lawlor asked how does Capital Planning fit in, and Mr. Lynch said if we need additional borrowings we expect that 8% will be app. \$25,000 per year.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. that we approve the contract award to Sterling Management with the provision that the BOS has time to review the contract and if the BOS has any comments they should do so in writing within 3 days.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. to hold on the vote on the Tax Classification Committee report until the next regular meeting on January 22nd, when the Chairman will be present.

Ms. Gates said she has heard from Lisa Sockol from the Chelmsford High SADD and they are looking for chaperones for their Coffee House at CHS on Saturday. She reminded everyone about Winterfest the first weekend in February and Mr. Lynch said that Peggy Dunn is coming to our Jan. 22nd meeting.

Mr. Dalton said he walked with George Merrill and Bernie Ready along the railroad tracks where the canal is in North Chelmsford going down to Freeman Lake. A report says the lake and dam are in need of major repairs, and when the dam was built in the 1970's a valve should have been exercised more regularly. He said the water is continually going through the spillway and Mr. Lynch said that the ownership of the water rights is a concern. Mr. Dalton suggested meeting with the lake property owners - they're losing frontage because the lake is too high. Mr. Lynch said he will either meet with Mr. Merrill or have Andy Sheehan and/or Jim Pearson meet with him.

Mr. Lawlor said it is incumbent upon the Board to work on Mr. Lynch's goals, and asked Mr. Lynch to start on his own list of goals.

Mr. Lawlor announced that we're plowing the lot at the Country Club so residents may use it for cross country skiing, and told the other members that we should also think about patrolling and controlling the course.

At 9:45 pm motion by Mr. Dalton, seconded by Ms. Gates, unan. to adjourn.

For the Board of Selectmen, by

Jedulo E. Carter

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Work Session of the Board of Selectmen held Tuesday, January 16, 1996 at 7:00 pm. Members present were: Peter V. Lawlor, Susan J. Gates and Thomas J. Welch. Robert P. Joyce joined the meeting at 8:00 pm. Town Manager Bernard Lynch was also present.

Vice Chairman Lawlor called the meeting to order at 7:15 pm noting that Chairman Joyce was not present due to a previous commitment and Selectman William F. Dalton was not present due to illness.

Mr. Lawlor said that this is the second year's presentation of the 5-year plan. It is important for the Town Manager to establish goals for next year and this is not a static document but a dynamic plan. Last year having objectives like this was very helpful not only in looking at the Town Manager's performance but it also gave us measurements and parameters to judge by.

Mr. Lynch said that the document is presenting materials to form the basis for discussions. It is built upon what we achieved last year. The substance of the document and plan is improving. It grew to be a more comprehensive document last year when we also had more conservative priorities.

He read the Town of Chelmsford Vision Statement, showing where we are as a community and where we seek to be. He said that the Board may change or amend this statement. Mr. Welch said he thinks this is more of a mission statement, and we need more of a vision statement, although this sets us in the right direction.

Mr. Lynch went over the FY96 budget summary review, noting that in that year we projected a 0 balance but assumptions used at that time have changed. The 5-year plan utilization includes: budgetary decisions, collective bargaining agreements and capital improvement decisions. Our needs for improvement are compared to other communities and arise from citizen group discussions.

Municipal comparisons were done with: Andover, Braintree, Lexington, Marlborough, Melrose, Natick, Norwood, Randolph, Tewksbury and Woburn. We called the Dept. of Revenue and asked for communities based on their data bank - population, size, demographics such as income and education levels - and asked for 7 categories. We are an established suburban community and we are low per capita spending. It's very difficult to compare different communities.

Municipal Tax Information:

We raise a large amount through property taxes and don't have electrical or water utilities. Natick is the only community without classification on the list.

Administrative Information:

We spend 2.79% of our budget on administration, low compared to most. We left out 2 towns because their budget figures didn't make sense.

Education Information:

We spend more of our Town budget on education than any other community; however, we have more pupils so we spend less per student. This survey was done

right after the Ed Reform bill passed.

Public Safety Information:

We spend the second lowest per capita, which is good value.

Fire Information:

Woburn with 5 stations spends a lot more with many more firefighters, including their chiefs and deputies. We have less than the average number of calls.

Police Information:

We have the third highest number of calls and below average number of officers.

Department of Public Works Information:

We spend the third lowest amount per capita but we don't have water or sewer included in our DPW.

Library Information:

We have the third highest circulation level.

Ability to Pay Equalized Evaluation:

This is the level of wealth and income and we are below average in equalized valuation. It is the total value of all property in Town divided by the number of residents.

It is standard for the Dept. of Revenue to analyze communities. Chelmsford ranks 46th in the state in terms of the average tax bill per household. Some have lower tax rates but higher tax bills. Sewer debt accounts for 10% of our tax bills. In per capita income we rank 56th, and median income ranks 55th. Mr. Lynch said we're about where we should be re the level of taxation but we should provide some tax relief.

He then went over the Community Action Statement Prioritized Need List: EDP, Central Square, Infrastructure Improvements, Update Town's computers and Social Services - new Community Center. Data submitted by Dept. heads is only one component of the overall needs listing.

Mr. Lynch listed the citizen group discussions he has participated in - PTO's, CH Realtors Association, League of Women. He then formulated a Community Needs List - where are we going with the community and how to afford it. No department has to suffer at the expense of another.

Chairman Robert P. Joyce joined the meeting at 8:00 p.m.

As for a community center, the Town wants something like the Roudenbush Center in Westford, but there is a problem of affordability. Mr. Lawlor asked if Roudenbush makes money, loses money or carries itself, and Mr. Lynch said he doesn't know. A lot of our programs are inter-listed with Westford.

Infrastructure - we hope to have a plan to deal with the Central Square traffic

situation in the next couple of months.

An Economic Development Plan - use the Master Plan, the Economic Development Partnership and a friendly business climate. We need to use technology to a greater extent for better communications.

Re DPW/Municipal Building space - we haven't kept up our space use with expanding services. We need more space for people and vehicles and to utilize the space here more efficiently. We may expand the building several years down the road and use State Aid to improve the quality of the Richardson Road facility.

The new 5-year budget projection shows FY96 balanced, and in FY99, 2000 and 2001 no new level of services.

The FY97 Five year program revenue assumptions are:

New Property Growth - way up this year but steadily decreasing through 2001;

Lottery revenues: \$2.3 mil by 2001;

Excise tax - will be up substantially through 2001, from \$2.3 mil in FY97 to \$2.9 mil in FY 2001.

Stabilization Fund - we have put money into the fund for the past several years, and in 1999 we anticipate drawing \$200,000 from the Fund, \$700,000 in 2000 and \$450,000 in 2001. The Board has voted a policy to increase to 5% of our operating budget in Stabilization eventually.

We will utilize Free Cash to buy what we need but also to give money back to the taxpayers. Mr. Welch said we should plan to give back a certain percentage of Free Cash, and can look at it every year and adjust accordingly.

Mr. Lynch said this plan is not a static document, but continually changing. We have difficult priorities now - our Snow and Ice account is way over at \$480,000 and we need to put a share into Stabilization. We have assumed we will have to draw out \$1.3 mil over the next few years but will still have a balance of \$3,458,378.

He then discussed expenditure assumptions -

- 2.5% increase for personnel costs each year from FY97 - FY01. Through collective bargaining settlements and attrition - when someone leaves we will see if the position is fully justified.

- 4% per year increase for insurance - still above the CPI.

- 2% per year increase for expenses - below CPI but we need to hold down our costs.

- \$1.2 mil in Capital Improvements Program budget for each year FY97 - FY01.

They have to be looked at each year and app. 50% goes to the schools. A capital improvement has to last longer than 5 years and cost more than \$10,000.

- \$3 mil for a library addition starting in FY97 - for an addition and ADA compliance, more parking and more space, and allowance for further expansion. This would require no override.

- \$2 mil for a police station addition starting in FY98.

Mr. Welch asked about capital investments for the Chelmsford Country Club and

Mr. Lynch said we are now planning to invest \$25,000 per year for the next 5 years, and through revenues \$50,000 guaranteed goes into revenue each year. We need to talk with the operator.

Mr. Lynch then went over the highlights of the Five-year improvement program: Community Action - we need more volunteer involvement and will put in \$20,000 for two years to match community monies as with Friendship Park and the East School, and to improve aesthetics and promote citizen involvement and community pride. Mr. Welch asked if he has approached the Chelmsford Business Association - they get direct benefit and might become involved.

- Old Town Hall converted to New Community Center

- Increased Capital Investments - Coordinated sidewalk program, more money to parks, continued road improvements continued vehicle replacements and building improvements, both school and non-school.

- DPW/Municipal Building - more efficient use of space

- Central Square traffic improvements - we hope to have work funded by a State grant

- Stabilization Fund grows to \$3.5 million

- No New Taxes - no overrides or exemptions but built upon the current tax structure

Mr. Lynch said we want to prepare a final document with future actions to present to the Town Meeting Reps. Both he and the Board should continue the community dialogue.

Mr. Lawlor commented that these projections all assume that constants will remain constant. Mr. Lynch said that in some revenue areas - motor vehicle excise taxes should increase and School Aid is level funded but we hope to see more. The school budget is anticipated to grow from \$28 mil to \$33 mil by FY2001.

Mr. Lawlor said his concern is the expenditure side on the part of the School and Sewer Depts. - we can't control a lot of these factors. A lot depends on Town Meeting action - achieving these goals requires discipline and he is concerned with the ratio of growth in these two areas.

Mr. Lynch commented that the Sewer Comm. doesn't want to increase the level of debt and will work in a timely fashion.

Mr. Lawlor said re the addition to the Police Station - we haven't been involved and he thinks we should be. Mr. Lynch said we are in the midst of a feasibility study - the site is centrally located, with easy access to major highways and the sewer line will run by the building next year. We will put additions out and up for proper training and dispatch areas. Police services are changing - dealing not just with crime but with social services.

Mr. Lynch said that re a Public Safety Building, he and both chiefs don't think it would be feasible unless we have a combined public safety factor.

It takes a cooperative effort to write these studies and we draw upon resources in other departments.

Mr. Lawlor said that his goal is to look at regionalizing services - any construction might be shared with other towns. Mr. Lynch said we should also look at privatization, and Westford and Tyngsboro are both looking at expanding their fire departments.

Mr. Welch told the Town Manager the information he has presented to us is very, very useful and we will have to make tough decisions re financial and capital improvements. He added that maybe we need some formal policy decisions and he thinks the community expects that.

Mr. Welch said he had been concerned with input from the community but it seems that we now have that. Where do we need to invest, where can we wait to invest and what do we want the Town to look like. Ms. Gates said that we as a Board need to discuss this further and Mr. Welch said we need to give guidance to the Town Manager to execute these policies.

Mr. Lawlor said he wants these improvements in addition to the Center School all to be included in Capital Expenditures to be shared by all departments. He also felt that the BOS needs a follow-up session.

Mr. Lynch commended and thanked Intern Geoff Buswick who played a large part in creating this document. He will submit the final document to the BOS to digest and have another session in a few weeks. We should bring the plan to the Town Meeting reps once the BOS adopts it. We should also meet with the Finance Committee and School Committee within the next month, and Mr. Lynch noted that we had to be more conservative a year ago.

Mr. Lawlor said he had felt we had a breakdown in communications: 1. in soliciting input from the community and 2. communicating to the outside what the plan is. He's glad we're being more expressive in what we say we're going to do and feels we've made a great bit of progress.

Mr. Lynch said he will work on draft policies and summarize the next steps. The plan can't be totally comprehensive and has to dovetail with the Master Plan. The two plans should work together but not be the same.

At 9:25 pm motion by Mr. Lawlor, seconded by Ms. Gates, to adjourn to Executive Session to discuss the status of current litigation. Roll Call vote was as follows: PVL-Aye; SJG-Aye; TJW-Aye and RPJ-Aye.

For the Board of Selectmen. by

J. d. b. E. Carter



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Regular meeting of the Board of Selectmen held Monday, January 22, 1996. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton and Thomas J. Welch. Selectman Susan J. Gates joined the meeting at 7:30 pm. Town Manager Bernard Lynch was also present.

During the Open Session Peggy Dunn updated the Board on the activities planned for Winterfest, the first weekend in February. She went over the schedule, saying that is the plan if we have snow. She hopes to have cross country and snow shoe rentals at the Country Club and there will be snowmen on the common, both real and artificial, done by civic groups.

Ms. Dunn talked about the pond at Roberts Field, saying that we need a bench for skaters, there are only lights there now and benches might be a good Eagle Scout project. Chief Parow will flood the pond. She commented that we have acres and acres of fields and nothing for skating. We normally get 4 - 8 snowstorms per year, and when the snow has to be shoveled we have no outdoor skating. Mr. Lynch said he is looking into this with Jim Pearson and Holly Rice. Mr. Welch asked to make sure the greens are marked at the Country Club before there is cross country skiing. Mr. Lynch said that the Town will pay a police officer for the Snowflake Ball on Saturday.

Mr. Lawlor commented that the affair was very well attended last year - that it was a real blast and a great tradition to start for the Town. Ms. Dunn encouraged pre-schoolers to come to McFarlin Field where a program is planned for them.

John Harrington said the Chelmsford Business Association is donating \$500.00 to Winterfest, and Doug Hausler, President-elect of Rotary said that Rotary will be glad to work on benches and tables for Roberts Field.

Glenn Thoren said that the tennis courts behind the high school could be a great area for a skating rink.

Mr. Thoren as Chairman of the Tax Classification Committee urged the Board to vote for the Committee's recommendations tonight. Board members agreed they need to move forward on this.

Selectman Gates joined the meeting at 7:30 pm.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of December 11 (Reg. and Exec.) and January 10 in their entirety.

Under Town Manager Reports Mr. Lynch said that the Drug and Alcohol Testing policy that the BOS has to vote on is required by the Dept. of Transportation of all who employ one or more persons with Class I Drivers licenses. Our policy was drafted by counsel and the Board can review it and vote at our next meeting.

Mr. Lynch told the Board that we have received a request from Andrew Finn to hunt Canadian Geese at Russell Mill Pond. The Police Chief and Land Use Coordinator have both recommended against granting this permit - that it is a bad precedent because of liability, animal rights concerns and extra work for the Police

Dept.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the BOS take the position of denying any requests to hunt at Russell Mill Pond due to safety concerns.

Mr. Lynch said the BOS is invited to attend graduation for 5th grade DARE students at McCarthy on Jan. 26 and Parker on Jan. 29.

He reported on the MMA Conference, noting that there were some good workshops and sessions. We learned that under the State budget lottery money to the communities will be increasing and there will be new monies for schools and to fund Education Reform requirements. The governor announced a \$21 mil fund to assist communities with Snow and Ice Accounts. We have now spent \$450 - \$500,000 and had budgeted only \$350,000 with a deficit of \$100,000 for next year.

Mr. Lynch commented that there was an article in the Lowell Sunday Sun re e-mail and he has had 6 messages already.

Under Appointments, Mr. Lynch said that he, the BOS and the School Committee each have a seat on the 7 man Board of Directors of the Cable Access Foundation. Mr. Lynch said he is appointing Cy Locke and Mr. Joyce said his appointment is Susan Gates.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve a 1-day Beer & Wine license for St. Vartanantz Armenian Church for a picnic on Feb. 18, 1996.

Under Selectman Referrals, Mr. Welch said that his correct e-mail address is welch.t.apollo.hp.com.

He reported that the Master Plan Committee has an overview from the consultants and discussion is still going on as to what are the goals of this committee. There will be 2 public hearings - Feb. 7 at Town Offices and Feb. 21 at the Senior Center. Each Town Meeting Rep. will be notified and Mr. Welch went over the list of the current goals, which can be obtained at the Planning Board office. The consultant will do purely consulting - inventory info, etc.

Under Unscheduled Business Mr. Joyce said a year ago in November the Tax Classification Committee was established with 7 members. They held many meetings and public hearings and have made 7 recommendations to the Board of Selectmen.

1. Tax Classification to be phased out within 5 - 10 years Motion by Mr. Lawlor, seconded by Mr. Dalton to amend "adversely affect" to "add to". Mr. Lawlor said in essence we shouldn't have done what we did - it eliminates the ability of any future board to change what we've voted tonight. Ms. Gates asked how can one committee member speak for the committee. Mr. Welch said that this implies that the vote taken 4 weeks ago was wrong - we should rely on common sense and he feels an \$8 increase didn't adversely affect the taxpayer. This amendment could eliminate common sense flexibility. Mr. Dalton said we should have taken the

recommendations of the committee. Ms. Gates said she is not in favor of the last sentence.

The vote on Mr. Lawlor's motion was 2 (PVL and WFD) to 3 against, motion failed.

Mr. Welch said there is a need to imply a role here. If we take that out it eliminates it. The BOS must decide if the tax rate is going up, whether \$1, \$5 or \$8, and we need to balance - is a 1% change for business worth a small dollar increase. Mr. Dalton said we should appoint a standing committee and take their recommendations every year.

Motion by Mr. Welch, seconded by Ms. Gates, to amend to read "so that the impact on the residential tax burden is non-existent or minimized." Vote on this motion was 3 in favor, 2 opposed (PVL and WFD).

At 8:15 pm Bob Grassia, New England Tel. Engineer, came before the Board to request approval of a petition to place one pole on Adams Street. Mr. Grassia said that the request came from Mass. Electric Co. to coordinate with road work in that area. The new pole is already located on Adams Street per the Town Manager's Office. The issue of double poles was again discussed and Mr. Grassia said there is a meeting scheduled with all the utility companies and Mr. Dalton may attend if he wishes. Ms. Gates said that the issue of double poles was raised at the MMA Conference and we need to look at the Public Safety Laws. Mr. Grassia said he will provide updates to the BOS and they don't normally place the pole first, before the hearing.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the placement of the pole on Adams Street.

Jack Moynihan, Mass Electric Company, was present to petition for one pole to be placed on Princeton Street to accommodate new traffic lights.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the placement of one pole and the removal of two poles on Princeton Street.

The Board held a Public Hearing on the application of George Kalos for a Common Victualer's license to sell coffee and donuts at East Coast Video and Convenience, 61 Central Square. Speaking in favor were Phil Currier, 28 Boston Road, and Tom Christiano, Drew Circle, both saying that Mr. Kalos is a wonderful man of excellent character and a good neighbor.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to grant Mr. Kalos a Common Victualer license at 61 Central Square.

Attorney Joseph B. Shanahan, Jr. met with the Board to request a change in manager at Kastore Enterprises Inc., 110 Tyngsboro Road. He said that John and Kathryn Panagakis have run Kastore's Restaurant for the past 5 years. John has served as Manager but he is moving to another position and we are requesting that his mother Kathryn be appointed manager at Kastore's Restaurant under their Beer and Wine license.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the change in manager at Kastore's Restaurant to Mrs. Kathryn Panagakis.

A Public Hearing was then held on the application of Boulevard Lounge, Inc. Attorney Shanahan represented Boulevard Lounge, Inc. a corporation created by John and Theodore Pangakis. Their father Chris established the first restaurant as Jimmy's Pizza, 2 Alpine Lane and both sons worked there through their school years. They bought the Dairy Queen property in 1986 and in 1991 enlarged it and turned it into Kastore's Restaurant. In 1992 they obtained a Beer and Wine license for Kastore's and also a Beer and Wine License in Tyngsboro at Sun City Variety, where Ted is now the manager. John and Ted bought the Meadow Lounge in late 1995 from Chris Riverside Realty. It is a 20,000 sq. ft. building which was gutted when the Meadow Lounge left, he said, and the building is an exterior facade only. They will completely refurbish the kitchen and bar and lounge area, rehab the exterior and pave the parking lot. The total cost will be \$150,000 which they will pay for with their savings.

They are asking for the same hours as the former Meadow Lounge - 8 am - 2 am and 11 am - 1 am on Sundays. The seating capacity is 150. which is acceptable to the Building Inspector, and there are twice as many parking spaces as required. They are requesting Weekday and Sunday Entertainment licenses for TV, pre-recorded music and live musical entertainment. They are also requesting licenses for 2 billiard tables for the lounge area.

Mr. Joyce asked if anyone wished to speak for or against this license.

Ann Marie Anderson, 134 Wellman Avenue and a Trustee of Williamsburg I is very concerned - there are 452 people in Williamsburg I and over 150 in Williamsburg II. The lounge exit is right across from the Williamsburg entrance and she is concerned about traffic and nearness to a residential area.

Mr. Shanahan said he has received at least 6 phone calls from residents saying if John and Ted do as good a job with the Meadow Lounge as they did with Kastore's it will be an asset to the community. He said that 99% of the Williamsburg residents bought their units while the Meadow Lounge was in operation and this will be a far improved operation. They will create some traffic islands and a striped parking lot working with DPW Director Jim Pearson.

Mary Jo Spence, 816 Wellman Avenue asked about video games, and will teenagers be allowed in to just play games. Attorney Shanahan said this not a question at this point - they are not applying for any video games now. Ms. Spence questioned trailer trucks parking there overnight and Mr. Shanahan said this will stop when the Panagakises are in control.

Mr. Joyce read 2 letters of support into the record (attached hereto and made a part hereof) from Ernest Woessner, 751 Wellman Avenue and from Cynthia Gale, 623 Wellman Avenue.

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Mr. Joyce then went to the podium and read a statement announcing that he will not seek re-election on the Board of Selectmen due to time constraints with both family and his new job.

At 10:35 pm motion by Mr. Lawlor, seconded by Mr. Dalton, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG-Aye; TJW-Aye and RPJ-Aye.

For the Board of Selectmen, by

Judith E. Cate

RECEIVED
96 FEB -6 AM 10:15

TOWN OF CHELMSFORD
MARY E. ST. HILAIRE
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, January 22, 1996. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton and Thomas J. Welch. Selectman Susan J. Gates joined the meeting at 7:30 pm. Town Manager Bernard Lynch was also present.

During the Open Session Peggy Dunn updated the Board on the activities planned for Winterfest, the first weekend in February. She went over the schedule, saying that is the plan if we have snow. She hopes to have cross country and snow shoe rentals at the Country Club and there will be snowmen on the common, both real and artificial, done by civic groups.

Ms. Dunn talked about the pond at Roberts Field, saying that we need a bench for skaters, there are only lights there now and benches might be a good Eagle Scout project. Chief Parow will flood the pond. She commented that we have acres and acres of fields and nothing for skating. We normally get 4 - 8 snowstorms per year, and when the snow has to be shoveled we have no outdoor skating. Mr. Lynch said he is looking into this with Jim Pearson and Holly Rice. Mr. Welch asked to make sure the greens are marked at the Country Club before there is cross country skiing. Mr. Lynch said that the Town will pay a police officer for the Snowflake Ball on Saturday.

Mr. Lawlor commented that the affair was very well attended last year - that it was a real blast and a great tradition to start for the Town. Ms. Dunn encouraged pre-schoolers to come to McFarlin Field where a program is planned for them.

John Harrington said the Chelmsford Business Association is donating \$500.00 to Winterfest, and Doug Hausler, President-elect of Rotary said that Rotary will be glad to work on benches and tables for Roberts Field.

Glenn Thoren said that the tennis courts behind the high school could be a great area for a skating rink.

Mr. Thoren as Chairman of the Tax Classification Committee urged the Board to vote for the Committee's recommendations tonight. Board members agreed they need to move forward on this.

Selectman Gates joined the meeting at 7:30 pm.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the minutes of December 11 (Reg. and Exec.) and January 10 in their entirety.

Under Town Manager Reports Mr. Lynch said that the Drug and Alcohol Testing policy that the BOS has to vote on is required by the Dept. of Transportation of all who employ one or more persons with Class I Drivers licenses. Our policy was drafted by counsel and the Board can review it and vote at our next meeting.

Mr. Lynch told the Board that we have received a request from Andrew Finn to hunt Canadian Geese at Russell Mill Pond. The Police Chief and Land Use Coordinator have both recommended against granting this permit - that it is a bad precedent because of liability, animal rights concerns and extra work for the Police

Dept.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the BOS take the position of denying any requests to hunt at Russell Mill Pond due to safety concerns.

Mr. Lynch said the BOS is invited to attend graduation for 5th grade DARE students at McCarthy on Jan. 26 and Parker on Jan. 29.

He reported on the MMA Conference, noting that there were some good workshops and sessions. We learned that under the State budget lottery money to the communities will be increasing and there will be new monies for schools and to fund Education Reform requirements. The governor announced a \$21 mil fund to assist communities with Snow and Ice Accounts. We have now spent \$450 - \$500,000 and had budgeted only \$350,000 with a deficit of \$100,000 for next year.

Mr. Lynch commented that there was an article in the Lowell Sunday Sun re e-mail and he has had 6 messages already.

Under Appointments, Mr. Lynch said that he, the BOS and the School Committee each have a seat on the 7 man Board of Directors of the Cable Access Foundation. Mr. Lynch said he is appointing Cy Locke and Mr. Joyce said his appointment is Susan Gates.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve a 1-day Beer & Wine license for St. Vartanantz Armenian Church for a picnic on Feb. 18, 1996.

Under Selectman Referrals, Mr. Welch said that his correct e-mail address is welch.t.apollo.hp.com.

He reported that the Master Plan Committee has an overview from the consultants and discussion is still going on as to what are the goals of this committee. There will be 2 public hearings - Feb. 7 at Town Offices and Feb. 21 at the Senior Center. Each Town Meeting Rep. will be notified and Mr. Welch went over the list of the current goals, which can be obtained at the Planning Board office. The consultant will do purely consulting - inventory info, etc.

Under Unscheduled Business Mr. Joyce said a year ago in November the Tax Classification Committee was established with 7 members. They held many meetings and public hearings and have made 7 recommendations to the Board of Selectmen.

1. Tax Classification to be phased out within 5 - 10 years Motion by Mr. Lawlor, seconded by Mr. Dalton to amend "adversely affect" to "add to". Mr. Lawlor said in essence we shouldn't have done what we did - it eliminates the ability of any future board to change what we've voted tonight. Ms. Gates asked how can one committee member speak for the committee. Mr. Welch said that this implies that the vote taken 4 weeks ago was wrong - we should rely on common sense and he feels an \$8 increase didn't adversely affect the taxpayer. This amendment could eliminate common sense flexibility. Mr. Dalton said we should have taken the

recommendations of the committee. Ms. Gates said she is not in favor of the last sentence.

The vote on Mr. Lawlor's motion was 2 (PVL and WFD) to 3 against, motion failed.

Mr. Welch said there is a need to imply a role here. If we take that out it eliminates it. The BOS must decide if the tax rate is going up, whether \$1, \$5 or \$8, and we need to balance - is a 1% change for business worth a small dollar increase. Mr. Dalton said we should appoint a standing committee and take their recommendations every year.

Motion by Mr. Welch, seconded by Ms. Gates, to amend to read "so that the impact on the residential tax burden is non-existent or minimized." Vote on this motion was 3 in favor, 2 opposed (PVL and WFD).

At 8:15 pm Bob Grassia, New England Tel. Engineer, came before the Board to request approval of a petition to place one pole on Adams Street. Mr. Grassia said that the request came from Mass. Electric Co. to coordinate with road work in that area. The new pole is already located on Adams Street per the Town Manager's Office. The issue of double poles was again discussed and Mr. Grassia said there is a meeting scheduled with all the utility companies and Mr. Dalton may attend if he wishes. Ms. Gates said that the issue of double poles was raised at the MMA Conference and we need to look at the Public Safety Laws. Mr. Grassia said he will provide updates to the BOS and they don't normally place the pole first, before the hearing.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the placement of the pole on Adams Street.

Jack Moynihan, Mass Electric Company, was present to petition for one pole to be placed on Princeton Street to accommodate new traffic lights.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the placement of one pole and the removal of two poles on Princeton Street.

The Board held a Public Hearing on the application of George Kalos for a Common Victualer's license to sell coffee and donuts at East Coast Video and Convenience, 61 Central Square. Speaking in favor were Phil Currier, 28 Boston Road, and Tom Christiano, Drew Circle, both saying that Mr. Kalos is a wonderful man of excellent character and a good neighbor.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to grant Mr. Kalos a Common Victualer license at 61 Central Square.

Attorney Joseph B. Shanahan, Jr. met with the Board to request a change in manager at Kastore Enterprises Inc., 110 Tyngsboro Road. He said that John and Kathryn Panagakis have run Kastore's Restaurant for the past 5 years. John has served as Manager but he is moving to another position and we are requesting that his mother Kathryn be appointed manager at Kastore's Restaurant under their Beer and Wine license.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the change in manager at Kastore's Restaurant to Mrs. Kathryn Panagakis.

A Public Hearing was then held on the application of Boulevard Lounge, Inc. Attorney Shanahan represented Boulevard Lounge, Inc. a corporation created by John and Theodore Pangakis. Their father Chris established the first restaurant as Jimmy's Pizza, 2 Alpine Lane and both sons worked there through their school years. They bought the Dairy Queen property in 1986 and in 1991 enlarged it and turned it into Kastore's Restaurant. In 1992 they obtained a Beer and Wine license for Kastore's and also a Beer and Wine License in Tyngsboro at Sun City Variety, where Ted is now the manager. John and Ted bought the Meadow Lounge in late 1995 from Chris Riverside Realty. It is a 20,000 sq. ft. building which was gutted when the Meadow Lounge left, he said, and the building is an exterior facade only. They will completely refurbish the kitchen and bar and lounge area, rehab the exterior and pave the parking lot. The total cost will be \$150,000 which they will pay for with their savings.

They are asking for the same hours as the former Meadow Lounge - 8 am - 2 am and 11 am - 1 am on Sundays. The seating capacity is 150. which is acceptable to the Building Inspector, and there are twice as many parking spaces as required. They are requesting Weekday and Sunday Entertainment licenses for TV, pre-recorded music and live musical entertainment. They are also requesting licenses for 2 billiard tables for the lounge area.

Mr. Joyce asked if anyone wished to speak for or against this license.

Ann Marie Anderson, 134 Wellman Avenue and a Trustee of Williamsburg I is very concerned - there are 452 people in Williamsburg I and over 150 in Williamsburg II. The lounge exit is right across from the Williamsburg entrance and she is concerned about traffic and nearness to a residential area.

Mr. Shanahan said he has received at least 6 phone calls from residents saying if John and Ted do as good a job with the Meadow Lounge as they did with Kastore's it will be an asset to the community. He said that 99% of the Williamsburg residents bought their units while the Meadow Lounge was in operation and this will be a far improved operation. They will create some traffic islands and a striped parking lot working with DPW Director Jim Pearson.

Mary Jo Spence, 816 Wellman Avenue asked about video games, and will teenagers be allowed in to just play games. Attorney Shanahan said this not a question at this point - they are not applying for any video games now. Ms. Spence questioned trailer trucks parking there overnight and Mr. Shanahan said this will stop when the Panagakises are in control.

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For the Board of Selectmen, by

Judith E. Cate

Ernest R. Woessner
751 Wellman Avenue
N. Chelmsford, Mass. 01863

A
January 22, 1996
JAN 22 1996
BOARD OF SELECTMAN
CHELMSFORD
MASS.

To:

The Chelmsford Board of Selectmen:

To whom it may concern:

I am writing you this letter to voice my support for the Panagakis family in regards for their petition for an alcohol license on the site of the former Meadow Lounge restaurant on Tyngsboro Rd in North Chelmsford.

I am a life long resident of Chelmsford and have resided on Wellman Avenue for several years. As an employee of this town, as well as a resident I have known the Panagakis family for many years both on a professional and personal level. My family have been patrons of their restaurant on Tyngsboro Rd for many years.

This establishment has excelled in being a family business concerned with not only the quality of their business but also having the utmost regard for their customers as well. They care a great deal about their presence in town and the care and upkeep of their property reflects this.

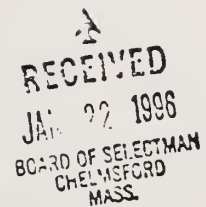
In all my years of knowing this family I have never had the occasion of hearing a negative word towards either the family nor the business, in fact anything I hear is quite commendable, and this is both from neighbors at home as well as the business site.

The panagakis family is regarded in this community as well as others a hard-working, dedicated family. We should consider ourselves fortunate to have them as a business in this town and their petition to open another business with the same amount of dedication and integrity would only be a welcomed enhancement to the former property and to North Chelmsford.

Thank You,
Ernest R. Woessner
Ernest R. Woessner

January 21, 1996

Chelmsford Board of Selectmen
Attention: Robert P. Joyce, Chairman
50 Billerica Rd.
Chelmsford, MA 01824



Dear Mr. Joyce,

Because of a prior committment, I am unable to be present to speak favorably on the petition by Boulevard Lounge, Inc. for an All Alcoholic Common Victualer's license at Monday evening's Board meeting, but as a resident of Williamsburg I wanted to be heard. I would greatly appreciate your sharing my input with your fellow Board members.

I have known John Panagakis and his family for 8 years, first as a patron and then as an employer to my 17 year-old daughter. John and his family are top-notch people.

Five years ago the family spent a considerable amount of money to renovate a Dairy Queen that we all recognized was in serious need of repair. They took a seasonal stand and turned it into a thriving year-round business. Their Kastore Restaurant has become an asset to the community. They have demonstrated a committment to operating a quality well-managed business. They are holders of a beer and wine license in addition to a common victualer's license at the restaurant, and the management of both licenses has been exceptional. No issues have arisen at the restaurant. The Panagakis family has clearly demonstrated that they can properly handle and dispense food and beverage as evidenced by their positive reputation in the town. The restaurant and grounds are aesthetically pleasing. In addition, they have consistently met their tax obligations to our community and they have provided employment to our youth.

If their existing property, Kastore Restaurant, is any indication of what the Boulevard Lounge could become, then let us put our support behind John and his family.

I would like to go on record as strongly supporting Boulevard Lounge, Inc.'s application for an All Alcoholic Common Victualer's license. I firmly believe that the experience, committment, and sound judgement John Panagakis has shown to Kastore's establishment will be brought to this new establishment as well.

Thank you very much for your time.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia Gale".

Cynthia Gale
623 Wellman Ave.
N. Chelmsford, MA 01863

RECEIVED
96 APR -2 AM 9:46

Work Session of the Board of Selectmen held Monday, February 12, 1996.
Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Thomas J. Welch. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:35 pm, noting that all members were present.

Mr. Lynch said that he has appointed the list of Deputy Constables as submitted by Constable William Spence. Motion by Mr. Dalton, seconded by Ms. Gates, unan. to approve these appointments.

Mr. Lynch said that he is awarding the bid for Design Services for Expansion and Design of the Adams Library to Anthony Tappe and Associates, Inc. of Boston. We need to have the design work done now in order to file for a state grant. Tappe was the low bidder with extensive experience. The bid is not to exceed \$20,000 and will be funded by the Library State Aid Account. There will be two designs: 1) for \$3 million and 2) for \$4.5 million if the \$1.5 State grant is available. They will both be completed prior to Town Meeting. The \$4.5 million design has to be completed by April 10th. Mr. Lynch said we are not going for the appropriation this spring - either at the Fall or next Annual Town Meeting.

Motion by Mr. Lawlor, seconded by Mr. Dalton to approve the contract award.

Ms. Gates said that she is the Library liaison from the BOS and that they received 13 proposals out of 35 requests, narrowed them down to 5, and interviewed all five.

Tappe is the most well-known firm for library renovation and design, and the committee didn't know that they were the low bidder, only the best firm. Mr. Lynch added that we were looking for experience in library renovations and additions, both large and small.

Mr. Lynch noted that if we take action in one year it won't show in the debt schedule until the following year, and this has to go before Town Meeting. Mr. Joyce asked not to the voters? and Ms. Gates said No, because it is not an exemption or exclusion. Mr. Joyce said he felt the message was loud and clear in the last election, that the people didn't want the \$6.7 million expansion and should have the right to vote on the \$4.5 million project. Mr. Lynch said that we are looking at a smaller addition that will deal with the space issues, ADA compliance and more parking. It will be a phased process.

Ms. Gates added that the previous designs haven't fit the site, that it has to look good from all angles and we didn't want what was designed before. Mr. Lynch said we must stress that this is not the same project as the \$6.7 mil proposal. Ms. Gates said there is no land available without spending more money and we're building a shell, hoping that the Friends of the Library will help to furnish it.

Vote on the motion to approve the contract award was unanimously in favor.

The Board then discussed the 5-year plan. Mr. Lynch said he had walked the BOS through it a month ago and it needed additional input from the Board. He has added more input from that night and gave the Board a document last week that expanded on the data provided. There will be a demand for a sense of balance - to maintain or improve services and facilities, and to maintain or decrease taxes. The plan provides for renovations for the Center School which is already in the debt schedule and for

the library and addition to the Police Station. The plan for Free Cash is that we provide some relief for taxpayers.

He wants each Board member to give input, and if the Board can adopt some sense of where we are heading as a community - then we can get more community feedback. Mr. Joyce commented that he hasn't had an Open Forum for citizens. Mr. Lynch answered that he has used organizations for forums and doesn't want to discount the day-to-day input he gets from citizens. Mr. Joyce said he wants to see a Public Forum.

Mr. Lynch said that on March 14 we will meet with the School Committee and the FinCom. It is very important to get their input because they have to buy into the idea.

Mr. Dalton read a statement re comprehensive planning, stating that over the past 2 years he has asked for a 5-year plan. He is on an Ad Hoc Committee with Glenn and Evelyn Thoren - Citizens Committee for Planning - and they have done much research and compiling data on their own. He asked that the Thorens be permitted to speak.

Ms. Gates said that she thought this was our Work Session, without public input. Mr. Dalton said he has asked Mr. Thoren to help him in presenting this in the best way.

The Board agreed to let Mr. Thoren speak on behalf of Mr. Dalton.

Ms. Thoren spoke first, stating that they have looked into strategic long range planning and the materials they are presenting delivers the model and practice by which the plan can be done. We want Chelmsford to be the model community for New England.

Mr. Thoren presented the BOS with a copy of Blacksburg, VA 300 page yearly budget and a comprehensive plan.

He then gave a slide presentation on "A Vision for Chelmsford". He said their goals for tonight are to present the methods and a benchmark model of a complete and comprehensive long range plan for Chelmsford; to solicit the interest and commitment of the BOS and the Town Manager to proceed with employing these methods and using this model and to commit the Committee's continued efforts to help the BOS and Town Manager to carry out this project for a comprehensive strategic long range plan.

He went over definitions of goals, objective and strategies and discussed objectives and scope. Mr. Thoren continued that Blacksburg is a community of 17,000 in southeastern Virginia and has one of the best plans recognized by the U.S. Senate. He said that over 300 citizens are actively serving on boards and commissions. Citizens First is their motto. Mr. Thoren went over contents of the model plan, action strategies, the approach to take and the benefits to Chelmsford. Topical layers include natural environment, community appearance, housing and neighborhoods, transportation, utility services, information technology, community facilities/human services, public recreation/open space/greenways, public safety and economic

development.

Mr. Thoren outlined a schedule whereby by having 2 or 3 BOS Work Sessions per month and appointing many committees the Town could have a comprehensive plan by December. Mr. Thoren detailed public information and input, noting mail and phone surveys, cable TV, meetings and the press. He showed a strategic planning cycle and how to proceed with the plan. Mr. Thoren said that cities with model plans include Blacksburg, VA, Grande Prairie, Alberta, Canada; St. Louis Park, MN; Tonawanda, NY, and Birmingham, AL.

Mr. Thoren said the Committee has said what is the best way we can think of to help the BOS and the Town to do better than Blacksburg, VA. Ms. Thoren said that there are other plans and models available but this plan is so detailed and other Town Meeting Reps have said they would come and work with us. Mr. Dalton said that this plan leaves no question unanswered.

Mr. Lawlor asked how is this community analogous - their revenue pie is completely different, their population is one-half the size of ours. Is it a mature town - has it reached its growth potential? Ms. Thoren said they are looking for modest growth. She added that there are different levels of the plan - we may not use some things. This is not a "fill in the blank" type process - this is a positive approach.

Ms. Gates commented that we already have 90% of what's here, just in a different format. Mr. Dalton stated that we're not doing 90% of what Blacksburg is doing.

Mr. Lynch said that there are a lot of things there that we do, and things that I'm aware of that we don't do, due to time, etc. We are working the process, but they do a better job of presenting.

Mr. Welch said he wants to take time to look at this document and see where the "front end" is. Mr. Dalton said that the Blacksburg's Assistant Town Manager would be willing to come here to help us and that would be worth \$500 - \$600 to pay her expenses. Mr. Welch said it would be premature to call in other people now.

Mr. Dalton said his goal and objective is to do this type of document for Chelmsford. We need to focus on the process and use Blacksburg's models as goals.. Mr. Welch said this is good input that we should look at, and cull the things that fit our needs.

The Citizens Committee for Planning includes the Thorens, Bill and Linda Dalton, George Ripsom, Robert Hawkins, Dennis Bak and others. Ms. Thoren said that they have a list of people who would like to serve on this committee.

Mr. Welch gave his input on the 5-year plan, saying that we owe a letter of recognition to Geoff Buswick for his work on the plan - it is a well prepared, organized and articulate document. It is not just a budget but a comprehensive 5-year plan, and very well done.

Mr. Welch said that we as a Board need to talk about our values, goals, mission and vision and to set priorities.

Mr. Welch then listed his priorities in a statement that he gave BOS members:

1. Town-wide Sewage
 2. Tax Relief - he would like to add \$250,000 to Free Cash each year and return 50% of Free Cash to the homeowner
 3. Integrated Master Plan/Land Usage - use of Open Space and Recreational Space. He agrees with Selectman Gates comments.
 4. Public Building Improvement - he supports the proposals mentioned in the current Five Year Plan for the Library, Police Station and Old Town Hall. The Master Plan Advisory Committee will be having an inventory taken of all public buildings. This will give us an opportunity to see how we can improve aesthetics and make our public buildings more efficient and pleasing to look at.
 5. Crime Prevention Awareness - he wants to see the Town pro-active, not re-active.
- Mr. Welch added that there are several other areas that are addressed in the 5-year plan that we need to work on.

Ms. Gates also had prepared a statement of goals that she had given to the Board at the last meeting. She said that sewage we all agree on and many of her projects can happen anyway. Her goals are:

1. Codification of the By-laws - she feels this is most important and it can be done electronically;
2. Computer access to public information; and
3. Enforcement of the By-laws - the sign by-law, particularly, is not enforced. This can be part of the Master Plan.

Mr. Lynch commented that the Blacksburg Comprehensive Plan is similar to what our Master Plan Advisory Committee is working on.

Mr. Lawlor said that what has come out tonight has been the process as compared to what is achieved and that he hasn't paid enough attention to it. We have to arrive at a consensus ourselves. Their process far more formally involves the community and that may have to do with how we are evolving as a Town government. We need to know how we're going to come up with that process. Several plans have huge financial impact - sewage, library, etc. Mr. Lynch said if you don't want a project to have a noticeable financial effect you time the project accordingly. We've been telling taxpayers we will peak in FY98 but if we vote for further sewerage it won't drop. Ten percent of each tax bill goes to the sewer project and will continue to do so.

Mr. Lawlor continued that all current BOS members are within an 8 - 10 year age group and how are we going to be able to afford to live here. We can't have growth continuing at that rate so we may have to control the rate of growth and cost. He's most interested in personnel related costs - collective bargaining, etc. because that's the largest expense.

Mr. Dalton said that we all feel that we need to do further sewerage and control taxes. We will have to set a lot of priorities.

Mr. Joyce said that he agrees with what's been said and doesn't have much else to add. More sewage is the most vital issue. He said that he doesn't think the Sewer Commission will have a big problem, that Title 5 has people scared. It may be an easier sell to have sewers as another exemption as it is an issue that people are very aware of.

Mr. Lynch said that the BOS has to vote to put the sewer question on the ballot.

Mr. Joyce continued that he is interested in the same things as Selectmen Gates and Welch - electronic information, North Town Hall - we need to provide some cultural events up there. He had an idea of using students from NVTHS over a period of years to renovate the building. He mentioned the traffic flow in town that is a continual problem.

Mr. Joyce said he has nothing new to add and is looking forward to seeing the 5-year plan formulate.

Mr. Lynch said that the process has been evolving and each time we move through an exercise like this we get better at it. Our financial conditions are much better than last year and we have the resources to plan out infrastructures, etc. He will try to put together what the BOS has said tonight, and will get the Thorens' documents copied for the Board. He noted that the Board all wants to get the community involved and we always have to improve on ways to do it.

There will be a meeting of the BOS, FinCom and School Committee on March 14th.

At 9:30 pm motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Carter

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Regular meeting of the Board of Selectmen held Monday, February 26, 1996. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Thomas J. Welch. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:05 pm and said that the two candidates for the Board of Selectmen at the April Election have been asked to give a brief presentation to the BOS and the home audience.

Christopher Driscoll, 2 Moonbeam Avenue, spoke first, saying that obviously he is an unknown. He has lived in Town since 1969 and thinks the Town seems to be in good shape. He feels the Board is on the right track and would like to become a member to help make tough decisions.

Dr. Stuart Weisfeldt, 13 Overlook Drive, gave his background and said he has been in Chelmsford for 35 years. He is a retired physician and has raised three children and has worked on health ed curriculum, been a Little League coach and swim coach and on various boards and committees. He now has more time to be active in Town and feels the most important issues are taxes, sewerage, library improvements and controlling growth.

Mr. Lawlor read the Scholarship Fund Month proclamation and moved to proclaim March as Scholarship Month, seconded by Mr. Dalton, unan. Bill Gillette accepted as President of the Scholarship Committee and said that they give \$30,000 - \$40,000 yearly in scholarships.

During the Open Session Barbara Ward, President of the CHS PTO, asked everyone to please attend a PTO Open Forum "Not My Kid" at 7 pm on Wednesday, February 28 on drugs and alcohol. The amount of drugs available in this community is frightening. Mr. Lawlor asked how the program will differ from last year and Ms. Ward said that it will be more specific about the kinds of drugs.

John Harrington, Chelmsford Business Association said that March 14 is Candidates Night at the Banqueteer. People can either FAX questions to 256-8706 or mail them to 10 Summer Street. They will have Election Day banners in both centers with cables supplied by Nynex.

Glenn Thoren then spoke for the Citizens' Committee for Planning saying that they have a proposal for the BOS to establish a Task Force for electronic technology and integration of the community. This would be based on the Blacksburg, VA recognized "Electronic Village". The long range goal would be to incorporate electronic technology.

Mr. Thoren said they are asking the BOS to establish a subcommittee to set up a Task Force, and provided a handout, 16 pages on Blacksburg's Electronic Village. He thanked Cable 43 for televising the Master Plan Committee's Public Forum.

Ms. Gates said that we already have a Chelmsford Access and Information Network - Cable 43 and that I-net will eventually be built into all public buildings. This was negotiated as part of the cable licensing contract. She said that in Blacksburg only 600

dorms and residences are given access. We have Chelmsford on Line, which is similar to what Blacksburg supplies. Mr. Lynch said we have contacted Hewlett Packard and Sun Micro Systems and U. Mass at Lowell looking for technical assistance. Mr. Thoren said that Chelmsford has many resources to copy.

Mr. Lawlor asked Mr. Thoren what is an electronic village and Mr Thoren said that it is people who have access to a computer modem, that they have access worldwide and also an opportunity to tie into their town. It is an Electronic Window on the World. Ms. Gates said that Chelmsford Home Page is similar.

Mr. Lynch asked what is the cost of implementing a program like that -he knows that Bell Atlantic and Virginia Tech paid a large part of it.

Ms. Evelyn Thoren said that the BOS and the Master Plan Committee has the material for a grass roots vision - they can wait for things to happen or make them happen.

Peggy Dunn gave her final report on Winterfest, saying that they doubled everything from last year - events, number of people, sale of buttons. She said that Chelmsford Country Club was great for X-country skiing and they could have use double the number of skis. The Chowderfest sold over 400 bowls of chowder, and ran out of food. The Board congratulated Ms. Dunn and her committee on a job well done.

Mr. Dalton asked to hold on approval of the minutes.

Under Town Manager Reports, Mr. Lynch said he wants to start with a report from Traffic & Safety Committee members Bill Logan and Jim Pearson who are present. They have reports on a number of intersections - Pine Hill Road and Westford Street, Hunt Road and High Street, Parkhurst Road at Drum Hill Road, and sidewalks in the Westlands School area.

Mr. Pearson addressed the BOS, saying that they need two votes to institute their recommended changes on two intersections.

1. Pine Hill Road and Westford Street - there is a lack of control on turn movements, a dangerous situation with a higher speed on the southerly side of Westford Street.

They are recommending Plan B on their handout, using a rumble strip type of island, similar to Riverneck Road by the Cemetery. He explained the turning pattern and said that he has the approval of Roland Trembley, who lives on the corner at 4 Pine Hill Road.

Mr. Welch asked how effective is concrete rumble and Mr. Pearson answered that it educates people, and there will be a stop sign on the right, with the back of the sign saying Keep Right.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the changes recommended in Plan B of the handout.

2. High Street at Hunt Road - again shows a lack of turning controls for cars exiting from High Street onto Hunt Road. Their plan shows a grassed in area and they are

trying to create a T-type intersection. One pole needs to be moved (sheet 2 of 3) and they propose to do without curbing.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the plan on Sheet 3.

At Drum Hill Road and Parkhurst Road, Shop n' Save will pay for the proposed light by the Exxon Station.

Mr. Dalton asked about the lights at the Shell Station at North Road and Princeton Street, saying he has seen many near accidents there. Mr. Pearson said that people are waiting for a green arrow when they can go on the regular green light. Mr. Dalton asked if it can delay 5 - 10 seconds and Mr. Pearson said not with the equipment they have there now - they're temporary and not fully activated signals at both this intersection and in Vinal Square.

Mr. Lynch said that he and Mr. Pearson will contact the state to get the permanent lights in these areas ASAP.

Mr. Logan said that there will also be a signal light on North Road at Technology Drive.

The Central Square sub-committee gave the Traffic and Safety Committee a draft proposal last week and will hold a public hearing on March 11th. They won't be back with a final proposal until everything is right and has been tested.

Mr. Pearson said that he and Judy Mallette have come up with sidewalk proposals for schools and have come up with money through Capital Planning almost every year.

Mr. Pearson explained that on Dalton Road and Stedman Street construction will be coordinated with the sewer project. Stedman Street from Dalton Road to Rte. 110 is funded through Highway Dept. and Chapter 90 monies. Stedman Street from Dalton to Clinton St. is bid as an alternate along with the overlay of the road. Dalton Road west app. 3200 feet on both sides will be funded through Chapter 90, the DPW and Sewer funds. The biggest project is Dalton Road east to Chelmsford Street, with many crosswalks. The road could use reconstruction and we will take advantage of sewer reconstruction from Stedman Street down to Chelmsford Street with sidewalks on both sides. We'll provide grass shoulders where we have space and have been working with the Westlands School. There will have to be some treecutting and easements for 5 feet on both sides. Again we will use Town forces, Chapter 90 and sewer overlay money held back. This is almost one mile, and we won't start until school gets out for the summer.

Mr. Pearson explained reconstruction of a roadway, saying that they excavate the road pavement and lower the road 8 - 10 inches, which means lowering a lot of gas-water-sewer lines. It has to be lowered to put in sidewalks.

Mr. Lawlor asked if they can put in concrete sidewalks, that they seem to last longer. Mr. Pearson said they are looking into it, that it may be bid as an alternate. In the long run concrete may be cheaper, and will save us on bussing.

Mr. Welch asked if we can be sure to separate the sidewalks and the road, not like Graniteville Road.

Mr. Logan said that Mr. Joyce has asked him for an update on the Economic Development Partnership (EDP). He said they are now working on retaining businesses that are in Town. They have talked with Sun Micro Systems, who need more space, and will work with the Town in finding it.

At the Chelmsford Route 3 Cinemas David Fuller is the new Manager. They are in a litigation process with Cross Point, and if they decide to stay in Town they need our cooperation. They've done considerable upgrading, with new carpeting, etc. Mr. Logan said that the EDP needs to work with these businesses and hopes the BOS will continue to do so. The vacancy rate is 10% and they hope to lower it.

Mr. Logan explained that the Central Square Traffic and Safety sub-committee has been using old studies and updating them. They want to control the traffic going from Central Square out for maybe a quarter mile.

Mr. Logan said that he is leaving Chelmsford to get married and will be living in Milton. The Board wished him well.

Ed Shanley, New England Telephone Co. was present with a petition to place one pole on Chelmsford Street to service Ciro's Restaurant. Pole #13 is being moved 45' to the left and Pole 14 is to stay. The new pole will be #14 1/2, which will beef up the line on Chelmsford and Evergreen Streets and serve new businesses.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve this petition contingent upon the recommendations of the DPW Director.

David Flewelling, Continental Cablevision Construction Supervisor, petitioned the Board for approval of the placing of underground conduit in two locations on Billerica Road to serve their new office at 330 Billerica Road. He said there will be some excavation.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the request contingent upon the DPW Director's recommendation dated 2/22/96.

Sewer Commissioners John Emerson, Barry Balan, Richard Day and Tom Moran were present at the request of the Board to give a presentation on their proposed ballot question to extend sewage throughout the rest of the Town.

Mr. Emerson gave the presentation, showing the current Town services available to the whole Town - Police, Fire, Water, DPW - all except sewer which is available to only 68% of the Townspeople. 68% of the Town is now scheduled with the financing in place. He explained the history of septic system repairs, stating that the average life of a septic system in Chelmsford is 8 years. He said that 35% of the systems failed under Title 5 when inspected and if areas were now sewered that are now the failure rate would be 85%. The average repair fee has raised to \$12,500 - \$13,500. Mr. Emerson then talked about property values - we don't have comparative property values - people will pay more for property with sewage.

Mr. Emerson continued that all the growth that took place in the 60's, 70's and 80's came without sewage since there was no community vision and even with town-wide sewage there will not be that much building. The average cost per house now is

\$7500, with a betterment fee of \$1500 and taxes paying for \$6,000. He said that grants have dried up and betterment costs have escalated. He added that we've put back \$9 million towards construction costs and have retired a \$10 million bond debt in North Chelmsford.

The Sewer Commission can promise that the sewer tax rate won't go up more than \$2.10 per \$1,000 on the tax rate although we had projected \$2.27. We have kept below our projected costs and the tax rate won't be affected any more than it is now.

The cost to sewer the rest of the Town is \$49 million and we must put up the entire cost and have to guarantee to the State and Federal governments through our ballot question and Town Meeting action that we can pay this amount. The Town has exempted on sewers 4 times. There is no final solution with septic systems - we must continue with the sewer project. In the worst case scenario the cost for each of the other 32% of the homes to be sewered would be \$13,500 - \$6,000 from taxes and a \$7,500 betterment, which can be paid over 20 years. With a 75% grant there would be a \$1700 betterment and \$1700 from taxes. Any additional funding will improve the worst case scenario.

Mr. Emerson said we need sewage for the protection of our drinking water wells, that 56% of our recharge areas are in the non-sewered areas of Town. This would be the final solution to Chelmsford's liquid waste problems - to dispose of it and to protect our drinking water.

If we don't sewer, we will be removed from the special funding list and with unequal property values we could have class action suits. The Sewer Commission feels the vote will be positive and looks forward to the cooperation of the residents.

Mr. Welch asked Mr. Emerson if the question passes, is it safe to say that every home in Town will be offered municipal sewer systems and Mr. Emerson said Yes, although some will be more difficult than others. Mr. Welch said we should get that message out.

Mr. Lawlor said it is the intent of the BOS to take a vote tonight to put the question on the ballot. Mr. Emerson said there will be a more detailed presentation Wednesday night at 7:30 pm with the Chelmsford Business Association to which all are invited and a Public Information Session on Cable 43 on March 7. Commissioners are available at any time to answer residents' questions.

Mr. Lawlor said the materials given to the BOS are very helpful and if approved, the project would be completed by November, 2001. Mr. Emerson said the availability of grants and funding could make the project go faster.

Mr. Lawlor said the decision is as to how we view ourselves with the rest of the community - if we are sewered we have to share this service with others.

Mr. Emerson added that if the Town votes for further sewerage Title 5 will still have to inspect but the Board of Health can advise an Intermediate Facility Update. If you're selling your home you have to have a Title 5 inspection but the end result is dealing with the lending institutions - they'll accept a Board of Health signature.

Mr. Lawlor asked Mr. Emerson about our inter-municipal agreement with Lowell and Mr. Emerson said we've sold Tyngsboro a \$1.6 mil agreement. We have a guarantee of 1.3 mil gallons per day with Lowell and expect Westford to come to us but we won't talk with them until we figure our final flow.

Mr. Lynch read the sample ballot question and Mr. Emerson said the form has been approved by counsel and has been sued in the past. Mr. Lynch said that this is specified in the statute.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that we vote to place Question 3 on the ballot for the April election. Mr. Emerson said we look for the Board's continued support.

On another matter Mr. Emerson said the Sewer Commission has asked Architects Foley & Bolanger to come up with definitive plans for the use of additional space at the Town Offices, and they would like to share these plans with the BOS at a Work Session. Mr. Lynch will schedule a meeting.

Under Town Manager Reports Mr. Lynch said we have a draft warrant of 32 articles that we will go over at the next meeting.

He also gave the BOS draft financial management policies and objectives - policies that the financial management team uses and would like to have the BOS adopt at the next meeting. Mr. Dalton gave members a copy of the changes he has made to the document.

Mr. Lynch reported on double poles, that Nynex is moving forward with Mass. Electric on the renewal, starting with Clinton Street this week. They'll continue to give us inventory and progress reports but can't give definite dates of removal.

Mr. Lynch gave members copies of the Police Crime Book completed with \$22,000 raise by the Police Dept. He would like to see a similar booklet done by the Fire Dept.

There will be a meeting with the BOS, School Committee and FinCom on March 18 at 7:30 pm.

The BOS will have a Work Session on 5-year goals. Mr. Lynch has drafted changes to the 5-year plan document and after the BOS reviews them he wants to finalize the document. He is still going through the Blacksburg documents.

Under Appointments Mr. Lynch is appointing Mark Leich, 54 Boston Road, to the Industrial Development Financing Authority for a 5-year term. This authority ties in with EDP ventures. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve this appointment.

Mr. Lawlor said we need time for the BOS to come up with Town Manager goals for FY97 and we will ask Mr. Lynch to submit a list of his goals also. This will be done by March 11th and the new BOS member will be allowed to give input.

Under Unscheduled Business motion by Mr. Lawlor, seconded by Mr. Dalton, unan.

to approve a 1-day All Alcoholic license for St. John the Evangelist Church for March 16th.

Under Selectmen Referrals Mr. Welch said we should start looking at tax relief and to project tax bills over the next five years. People want to know the real value of their tax payments. He would also like all the assumptions that Mr. Lynch used to do the estimates.

Mr. Welch brought up diesel fuel safety in the firehouses - have we heard back from the Fire Dept. Safety Committee? Mr. Lynch said No, but had a report from the Chief and Workers Comp. He has put some money in the budget to make changes. Mr. Welch said he really wants to see the backup.

Ms. Gates said she has seen a letter from Dorothy Levine from the McFarlin tenants re cars cutting through in back of their property. Mr. Lynch said he is checking with Jim Pearson and the Police Dept. Mr. Welch suggested putting a cruiser there for a few days.

Ms. Gates then brought up a Public Health issue - Hepatitis B, explaining what it is and how it is spread. She urged parents of all 6th graders to have them vaccinated through the school program. She also asked people to send a donation to Attorney Joe Shanahan, who is running in the Boston Marathon for the Liver Foundation. Mr. Dalton said he came to the Board several years ago asking for Hepatitis B shots for the Fire Dept. - now all Fire and Police officers have had the shots.

Mr. Dalton asked about putting a screen for presentations in back of the curtains behind the BOS chairs and pull the curtains open for a presentation. He asked Mr. Lynch about the seals for the Town cars and he said they will go on in the next couple of weeks.

Mr. Dalton asked how could we have appropriated \$20,000 for a library study when we haven't voted. Mr. Lynch said we have to have architectural plans to be submitted to the State for a grant and other plans to be done without a grant. If the grant fails we will go to Town Meeting with a \$3 mil plan to be funded through a 5-year Capital Plan.

Mr. Lawlor asked about the Caldor storage bins - are they a fire safety issue? When we wrote to them last year re violation of Town By-laws he thought they said nothing about removing the bins, but Mr. Lynch said he thinks they gave a date. He will check into this with the Bldg. Inspector.

Mr. Joyce asked about the clothing box on Chelmsford Street in front of the Little League Fields. Mr. Lynch said we will find out who owns it.

At 10:00 pm motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Carter

RECEIVED
96 APR -2 AM 9:46

Regular meeting of the Board of Selectmen held Monday, March 11, 1996.
Members present were: Robert P. Joyce, William F. Dalton, Susan J. Gates and Thomas J. Welch. Selectman Peter V. Lawlor joined the meeting at 7:40 pm. Town Manager Bernard Lynch was also present.

Chairman Joyce called the meeting to order at 7:25 pm and said that we will have a brief open session.

Mr. Dalton read a proclamation proclaiming Saturday, March 16, 1996 as Tom Caito Day. Motion by Mr. Welch, seconded by Mr. Dalton, unan. to approve. The proclamation and a key to the Town will be presented to Mr. Caito Saturday night.

Mr. Dalton then read a proclamation for Girl Scout Week. Motion by Mr. Welch, seconded by Ms. Gates, unan. to approve. The proclamation was accepted by Girl Scouts and Brownies, who presented Girl Scout Cookies to the Board.

During the Open Session Glenn Thoren, Prec. 5 said that at the last meeting he proposed that the BOS put together a subcommittee re an Electronic Village and gave the Board more books of background material.

Police Chief Armand Caron had citations from the Chelmsford Police Dept. for District Attorney Barbara Pisello, CPD Inspector Brian Mullen and Westford Police Detective Sergeant Thomas McEnaney for their excellence in the felony investigation and conviction of John Rex. He also gave Inspector Mullen 3 days off with pay. Westford Police Chief Welch noted the cooperation between both departments and the DA's office.

Chairman Joyce then thanked them on behalf of the BOS and Chief Caron gave them Town Certificates of Appreciation.

Chief Caron then presented a Certificate to Chelmsford Patrolman Russell Linstad for outstanding performance of duty under the community policing philosophy.

Pauline Marry from BayBank was present with bonds to be signed by the Board. Mr. Lynch said that we went out 2 weeks ago and sold \$2.8 million in bonds at 4.45% interest. He is pleased with the low rate and the savings to the Town. Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the sale of \$2,840,000 Municipal Purpose Loan of 1996 Bonds of the Town dated March 15, 1996 to BayBank, N.A. at par and accrued interest is hereby confirmed. It is further voted that the consent dated February 29, 1996 to the financial advisor bidding for the bonds is hereby confirmed.

Ms. Marry said that this shows BayBank's commitment to the Town. Mr. Lynch read other Town's rates and they were almost all higher than ours.

The Board then went over the warrant for the Annual Town Meeting.
There are three ballot questions:

1. Charter amendment governing the filling of vacancies for Town Meeting members, passed at the 8/8/95 Town Meeting;
2. Charter amendment to not dissolve the Sewer Commission until the entire

Town sewer project is completed; and

3. To exempt from Prop 2 1/2 the bonds needed to fund the rest of the sewer project.

The articles:

Art. 1. to hear reports;

Art. 2. operating budget;

Art. 3. transfer of \$2500 in Conservation funds to reduce their budget;

Art. 4. transfer of \$1.25 mil from Sewer betterment funds to reduce the exempt portion of debt and interest in the FY96 budget;

Art. 5. transfer of \$338,000 from Sewer Rate Relief funds to reduce the exempt portion of debt and interest and give \$30 - \$40 back to each taxpayer;

Art. 6. Capital Budget - Mr. Lynch explained the process, saying that the sum requested is \$1.230 mil, adding that we watch the sale of surplus equipment from the State Dept. of Procurement. Mr. Lynch went over the list of various items. Mr. Lawlor asked if capital planning items get into the level of commitment to students, and Mr. Lynch said No. Mr. Dalton asked if these items be in department budgets and Mr. Lynch said that most are capital planning items - items having a life of at least 5 years and costing over \$10,000. Each department submits their list and it usually totals from \$.5 mil to \$1 mil over the budgeted funds.

Mr. Dalton questioned Mr. Lynch's statement re larger fans for the fire stations to eliminate the diesel fumes and Mr. Lynch said we are looking at other communities to see how they handle this problem.

The Board then heard Ed Shanley, Nynex Co. with two pole petitions:

1. Plan #894 - to erect a new pole on Jensen Avenue to bring service to a new building at #28.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve Plan 894.

2. Plan #895 - to lay conduit on Old Stage Road onto Wells Fargo Road to serve a new 14-lot subdivision. All utilities are underground.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve. The BOS asked Mr. Shanley to note that it is now Stage Road, not Old Stage.

Mr. Lawlor said that pole petitions are an issue that's a waste of time and we don't have the expertise. Statutorily the only the BOS can approve petitions but we could delegate that authority if we want. Mr. Joyce said we need to give the public the opportunity to give their input, and Mr. Lawlor said the utility company would have to notify the abutters and they would have their change to give their input to our designee - either the Town Manager or the DPW Director. Mr. Lynch will check into other ways of handling these petitions.

Mr. Lynch reported that he has received three bids on the operation of the Chelmsford Country Club function hall and hopes to have an award for next Monday. They are doing some renovations now, and the deck has been torn down but will be replaced. Mr. Lawlor questioned the restrooms and Mr. Lynch said they will be improved.

Discussion of Warrant Articles then continued:

- Art. 7 - transfer \$150,000 into the Reserve Fund for the FinCom;
 Art. 8. - transfer \$12,500 from Cemetery sale of lots and graves into operating budget;
 Art. 9. - vote \$19,900 for annual audit of Town accounts;
 Art. 10. - \$20,000 for sand lease - by the end of 1998 all the same will be moved onto Town property;
 Art. 11. - transfer \$500,000 into the Stabilization Fund;
 Art. 12. - vote \$10,000 to fund a Community Action program, to provide matching funds to community improvement projects; Art. 13. - \$12,500 to fund Senior Citizen Tax Rebate Program. This program has been very successful and we have had calls from all over the country and Hawaii. This sum has a potential for 25 residents to participate in the program.
 Art. 14.- late bills - there are none.
 Art. 15.- street acceptances - we will hold public hearings on April 1st for all 15. Mr. Lawlor asked if we can have reports from Jim Pearson in advance, and ask him to check for any covenants with developers that could be private roads. Mr. Lynch said he is quite sure that has been done.
 Art. 16.- new language from the State Library Commission allows us to apply for a grant for the design. Mr. Lynch explained that this is matching money - if we get the award we have to ask Town Meeting for the appropriation and have to spend money to get grant money. Without Town Meeting appropriation the Library has nothing to spend.
 Art. 17 - easements for the sidewalk project;
 Art. 18 - Arts and Technology Fund. Presented by Evelyn Thoren and George Ripsom. Same as last year except Part C, #2 now says "and a member-at-large", not the Town Treasurer.

Arts. 19 - 25 - Planning Board zoning by-law changes. Mr. Lawlor said he would like to hear what the Planning Board has to say - why are they proposing these amendments when the Master Plan is being formulated. We will ask them to come to our April 8 meeting to explain these articles to us.

Art. 26 - drainage easement at 157 Middlesex Street

Art. 27 - to discontinue paper road known as Canal Street - check to determine if this will create a building lot.

Art. 28 - petition - to have handicapped parking spaces patrolled.

Art. 29 - petition- Town Meeting will not discuss the same subject matter within a 3-year period.

Art. 30 - petition - Moderator to allow a 30 minute question and answer period prior to debate.

We will invite the petitioners to attend a BOS meeting prior to Town Meeting for explanations of their articles.

Art. 31 - to appropriate \$49 mil for the completion of sewerage the whole Town. Mr. Lawlor asked why this article is placed in this position - it seems to be a "Hub" article and should be put in a different location to make it easier for everyone. Mr. Lynch said we can put it at the end of the financial articles as Article 15. Mr. Lawlor asked if the BOS can have the Town Manager's recommendation on this article.

Art. 32 - to amend the Charter to allow the BOS power to appoint Policy Advisory Committees. Ms. Gates said she doesn't want to put it on - it has been voted down 3 times by Town Meeting. Mr. Dalton said it was voted favorably as a ballot question and should go back to Town Meeting. Mr. Lynch said it needs a 2/3 vote. Mr. Lawlor said let's vote to put it on - we can always vote to withdraw it. Mr. Joyce asked if we can put it in before the petition articles and Mr. Lynch said we can change it to Art. 27.

Art. 33 - to move \$63,000 from Art. 2, 1995 Spring TM line 1, personnel, to line item 2, expenses. This was Town Counsel's salary, and now we are receiving a billed amount from Town Counsel. They are not considered Town employees.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to approve the warrant in the order as amended.

Mr. Lynch then gave two memos to the Board, noting that he had two additional goals to add to his memo of Nov. 4, 1995. The first was on Town Offices space utilization - Mr. Lynch said that he can make changes in this building to meet our needs. Community Services will go to the Old Town Hall within the next 2 - 3 weeks. Mr. Joyce said he is opposed to moving the Board of Selectmen and Town Manager to the second floor - he thinks that accessibility is a big issue. Mr. Dalton said he feels the same way. Mr. Lynch said that in most Towns the Executive Offices are on the second floor. Mr. Welch said if productivity drops we can redo the plans. The second memo concerned minimizing borrowing costs.

Mr. Lynch told the Board he has incorporated the BOS directives on what they want. The Thorens have provided input on Blacksburg and asked him to look at it. He said that the Blacksburg plan should be separated from our 5-year plan and Master Plan. The Blacksburg budget document is set up differently - they have a 7 man council and we have 162 Town Meeting Reps. He noted that Andover and Lawrence have both received awards for budget documents, and we are doing a different type this year.

He then referenced Mr. Dalton's letter to the editor and said we have citizen input and participation - we need it. We have 350 citizens serving on Town boards and Commissions and have done several community needs surveys and more specific surveys such as recreation, recycling and police.

Mr. Lynch gave members his handout on Town Manager Goals. Mr. Lawlor asked him to list them on the Board, and Mr. Lynch listed:

Public Facilities including the Old Town Hall and Police Station; Labor Relations; Central Square; Library - scaled down project; Telecommunications for citizen access - he said we have been moving forward using new technology; Park and Recreation Facilities; Geographic Information System (GIS)- with this system we could plot double poles and drainage studies, i.e.; Regionalization of Services; Community Action Program and Minimizing Borrowing Costs. We have maintained our A1 bond rating; he would like an AA, but we received AA interest rates tonight.

Mr. Joyce asked Board members to share their lists.

Mr. Welch said he has developed six goals:

1. Develop and implement a process to more equally use school/municipal cooperation;
2. More awareness to the Community - let people know what our values and visions are. It would take 1 or 2 Work Sessions for us to define them.
3. Telecommunication and GIS - it sounds like we can make great progress.
4. Take leadership role in widening Route 3 - not much has been done in the past couple of years. He would like the Town Manager to lead the effort, and make use of our State Rep. and State Senator.
5. Budget - get a visible message through tax relief and tax reduction back to the taxpayers - Mr. Lynch has the recipe in place with the 5-year plan.
6. Closure and completion of traffic improvements in Central Square.

Ms. Gates listed:

1. Library - telecommunication and Parks and Recreation communications. We need to know what's going on and we should have seen the Central Square presentation tonight. Mr. Lynch said they want a completed plan to bring to the BOS.
2. Public Documents - presentation of documents, a public information list; document enhancement, including codification of by-laws.
3. State Representative and Senator - the Board needs more communication with them.

Mr. Dalton's goals are:

1. Citizens as customers - we have info through the community newsletter, but we need to put out more surveys on major issues, like the library.
2. Tax Classification Committee - follow their recommendations. Mr. Lynch said this is something we already do, like the budget.
3. Present the budget to the BOS 21 days earlier than to the FinCom - Mr. Lynch said this would not be practical since numbers are still coming in and changing up to the last minute.
4. Advance notice on actions to be taken by the BOS.
5. Reimbursement forms for all Town employees - an expense form and travel log.
6. Rating form for Capital Improvement Priorities.
7. Department visions as input to the budget.

Mr. Lawlor's goals are:

1. Board of Assessors - do more frequenting assessing of all properties, especially commercial properties;
2. On line citizen access to public records and ability to pay taxes by electronic fund transfers;
3. He is pleased with the Town Manager, EDP and CBA efforts to cut down on the vacancy rate; now we need the means to get businesses to stay here, especially the Route 129 Corridor
4. Greystone - a project of immense proportions. We're being dragged along for the ride and it will impact us.

5. EMT certification for the Police Dept. - we should look into it.
6. Develop a Town of Chelmsford data disk. He had read in The Sun that 80% of the homes have home computers - we could put on procedures, questions, etc. - it would be a means of disseminating information.

Mr. Joyce said he would put check marks on: Telecommunications; School/town cooperations - Mr. Lynch said that we need to inventory areas where there is already cooperation; Route 3; Tax Relief; BOS Communication; a Uniform Expense form; Business Retention - try to fill retail space; Greystone; Police EMT's - he wants to see this happen and provide extra payment to them as we do to Fire.

Mr. Joyce said that all application forms could also go on a Data Disk. Ne would like to see the Town Mission Statement posted in all the Town Offices rooms. He also has enjoyed having Geoff Buswick and would like to see more Internships. We could offer them to other departments - recreation, accounting, etc.

Mr. Lynch said we will list all the goals on the board and we can rank them. Mr. Welch said we need to put some closure to this - can we put numbers next to topics on maybe the top ten. We shouldn't compromise the quality of what we're trying to do. Mr. Lynch said that on March 18 we can try to keep the School Committee and FinCom discussion to an hour and can do more on our goals after that.

At 10:35 pm motion by Mr. Lawlor, seconded by Mr. Dalton, to adjourn to Executive Session to discuss pending litigation and collective bargaining. Roll Call vote was as follows: PVL-Aye; WFD-Aye; SJG_Aye; TJW-Aye and RPJ-Aye.

For the Board of Selectmen, by

Jack E. Genta

RECEIVED

96 APR -2 AM 9:46

Regular meeting of the Board of Selectmen held Monday, February 5, 1996. Members present were: Peter V. Lawlor, William F. Dalton, Susan J. Gates and Thomas J. Welch. Town Manager Bernard Lynch was also present.

Vice Chairman Lawlor called the meeting to order at 7:10 pm, noting that Chairman Robert P. Joyce will be arriving later.

Under Public Service George Simonian spoke, stating that he wants to commend Holly Rice, Kit Harbison, the Community Service Council and the BOS for the excellent newsletter that was recently mailed to each resident.

He also wanted to commend the Winterfest Committee, stating that it is a fantastic idea and that he is sure it will continue to grow.

Mr. Simonian then said that Saturday, March 23 will be the 6th annual induction into the CHS Hall of Fame, and named the 9 persons to be inducted this year. He hopes that all BOS members and many alumni and residents will attend. He can be contacted for tickets.

Don Boucher of the Chelmsford Elks was present and said that the Chelmsford Elks have selected Tom Caito as their Citizen of the Year. The Award Committee is planning a gala evening on March 16, which will be a roast for Tom Caito with any proceeds going to Camp Paul. He asked the BOS to proclaim March 16 as Tom Caito Day in the Town of Chelmsford.

Motion by Mr. Dalton, seconded by Ms. Gates, unan to approve the Executive Session minutes of January 10, 1996.

Motion by Mr. Dalton, seconded by Ms. Gates. unan. to approve the minutes of January 16, Reg. and Exec. Sessions.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. to approve the minutes of January 22, Reg. and Exec. Sessions.

Under Town Manager Reports Mr. Lynch said that Winterfest was very successful, and he commended Peggy Dunn and her organizers. The snow Friday night couldn't have been better timed.

Mr. Lynch said that at the last meeting that the State Aid numbers looked good, and there is an increase in Chapter 70 funds of \$440,000+ to the schools, on top of the \$800 - \$900 already promised, so the school budget will increase by app. \$1.3 million. Under the Lottery we will get \$60,000 additional for a total of \$190,000 which will help the Snow and Ice Deficit. We have spent well over \$500,000 and are now \$230K over budget. We always budget \$350,000.

Mr. Lynch reported that the Solid Waste Advisory Committee is interested in putting their efforts into recycling solid waste and are being re-named the Chelmsford Recycling Committee. They want recycling as their focus.

He presented the 5-year plan narrative to the BOS and said that in the document as a whole tried to incorporate ideas presented by BOS members. This is a working

copy and there are some gaps awaiting additional input. The BOS will hold another Work Session on the 5-year plan on Monday, February 12, will meet with the FinCom and School Committee in March and the Plan will be presented to Town Meeting Reps in April.

Under Appointments Mr. Lynch said he is appointing John Coppinger to the Chelmsford Recycling Committee. Motion by Mr. Dalton, seconded by Ms. Gates, unan. to approve this appointment.

Mr. Lynch said that he is appointing Jean McCaffrey to the Council on Aging, replacing William McDonald, who resigned). Motion by Mr. Dalton, seconded by Ms. Gates, unan. to approve this appointment.

Under Unscheduled Business the Drug and Alcohol Testing Policy, required by the Dept. of Transportation for all employees with a Class I Driver's license. Motion by Mr. Dalton, seconded by Ms. Gates, unan. to adopt this policy.

Mr. Lawlor explained that we're doing this not because of a problem but to implement if we have a problem. Mr. Dalton asked if a Class 1 license is not required but person is using Town equipment will they be tested, and Mr. Lynch said not right now.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. to approve a 1-day All Alcoholic license for St. Vartanantz Armenian Church.

The Town Clerk has requested that the BOS set the polling hours for the Annual Town Election on April 2nd from 10 am - 8 pm. They would hold Special Absentee hours from 7 - 8:30 am on Monday, April 1st.

Motion by Mr. Dalton to amend the request for hours from 8 am to 8 pm, seconded by Ms. Gates for discussion. Ms. Gates said that the Town Clerk has said that the turnout is the same, no matter what the hours and that it costs a lot more to be open longer.

Mr. Dalton said he feels that more people will vote between 8 am and 10 am and we should make it as convenient as possible for people to get to the polls. Mr. Welch said he agrees - we should take advantage of getting the most people, and we should try longer hours and see what it does. Ms. Gates said if it is not too costly it is definitely a convenience and Mr. Lawlor said it is part of our responsibility to make it as convenient as possible.

The vote on Mr. Dalton's motion to amend the hours to 8 am to 8 pm was unanimously in favor.

The location and times for Town Meeting were then discussed.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. to hold the Annual Town Meeting at the Senior Center commencing at 7:30 pm on Monday, April 29, 1996 and running Thursdays and Mondays thereafter as needed - May 2, May 6, May 9, etc.

Under Selectmen Referrals Sel. Gates thanked the BOS and all who sent their condolences on the death of her father. She said he was an inspiration to her and believed in public service.

Ms. Gates said that Winterfest was a great success due to Peggy Dunn and her committee, Scout Troops 75 and 77, and hundreds of volunteers. She noted that many people came from out of Town and people have been asking about having Cross-country skiing every weekend.

Mr. Welch reminded people that the first session of the Master Plan Public Hearing will be held here on February 7th and at the Senior Center on Feb. 21st. He urged all to attend.

He referenced the diesel fuel fumes letter from the Fire Dept. Safety Committee, saying that the questions by the Fire Dept. inferred that there had been in-action for 20 years. Mr. Welch asked the Town Manager about the credibility of the follow-up. Mr. Lynch said the status is: we received the letter from the Safety Committee, and we have concerns about the safety at the DPW yard as well. He has asked the Fire Chief, the DPW Director (who is responsible for all public buildings in Town) and the Workers' Comp. people if there are similar situations in other communities. Chief Parow has made recommendations re fans, etc.

Mr. Lynch said he had asked the Fire Dept. Safety Committee for any correspondence over the past 20 years and nothing indicates that this problem has been brought to our attention until now. Former Fire Chief Hughes has never presented a plan. Chief Parow had put this in his FY96 capital budget and this year has put it forth as part of his operating budget. He has asked for more information and have programmed some money for this year.

Mr. Welch said he has a fundamental problem with the innuendo and he wishes this could be addressed by the Town through the media. We should support what they're asking for and handle what they're asking for.

Mr. Dalton added that he has been involved with this situation over the years and most of it has been verbal. We started with house fans in the windows and have just gotten better fans. We can see black soot all over our buildings. Mr. Welch said we need to get problems like this solved more swiftly and openly.

Mr. Lawlor said he talked with Mr. Lynch about adding an additional Deputy Chief in the Fire Dept. - he's heard that the Chief has gone to the FinCom. Mr. Lynch told him that he hasn't decided to approve the position.

Mr. Lawlor said that Barbara Ward, President of the CHS PTO, has asked him to announce that on Feb. 28th in the CHS Cafeteria there is a very informative forum for families called "Not My Kid".

Mr. Lawlor asked re the proposal on the upcoming ballot question re an exemption for sewers - will the people be willing to sewer the rest of the Town? It will cost app. \$50 million, which is the largest capital project under consideration and he feels it is incumbent upon the BOS to help the Sewer Commission in educating the public. He asked to invite the Sewer Commission to make a presentation before the BOS and ask to furnish prior to the meeting: a detailed breakdown of the cost of the project; construction schedule; proposed revenue sources; any alternative to sewerage; repercussions if the Town voted not to sewer this extension; and the projected cost for homeowners. The Sewer Commission should address any impact

on the inter-municipal agreement with the City of Lowell. Mr. Lawlor wants this Board to make recommendations to the public prior to the election - do we endorse the exemption or not - and he thinks it's a responsible thing for the Board to do. Mr. Lynch said the BOS needs to vote to place the question the ballot and we should ask the Sewer Commission to attend the Feb. 26th meeting and try to get the information ahead of time.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. that we as a Board through our Chairman invite the Sewer Commission in to our next meeting to discuss the sewer exemption question - what is the impact and where is the money going.

Mr. Dalton asked is the Library being funded through the operating budget for \$3 million? Mr. Lynch said it will have to be funded by Town Meeting, and we could borrow the money and fund it over a period of time. Mr. Dalton said the people want to have the opportunity to vote again on the library question. Mr. Lynch said it is not an override or exemption and will not lead to an increase in taxes.

Mr. Welch said he has heard the same thing and has told people to call the Town Manager or their Town Meeting reps. He added that people do have input and there is ample opportunity to voice their opinions. He thinks people are against it because of the \$6+ million debt exemption on the last proposal.

Ms. Gates said people who support the project should come out as a positive force.

George Ripsom came before the Board to talk about a Warrant Article which was addressed at the October, 1995 Town Meeting. He is cognizant of the ramifications. Mr. Ripsom said that under MGL Chapter 60, Sec. C the Town Meeting can vote to authorize the Town to establish an Educational Fund through contributions to the tax system. Since the presentation a bill has been put on the Governor's desk to permit the State to match any funds raised through voluntary contributions. There is matching for each resident up to \$1.00, or a total of \$30,000+ for Chelmsford. He wants to place an article on the Spring Warrant but it is not the same article brought up previously. There would be appointments to a Committee by the BOS and the Town Manager as their agent, and it would have a revolving membership. A contribution would be a tax deductible donation and would be checked off on the tax form. If people send their taxes directly to their bank they can send a check directly to the Education Foundation.

Disbursements will be made by the Committee and is only for Arts and Sciences.

Mr. Ripsom said he will be discussing this proposal again with the School Committee.

Mr. Lynch said it may cost several thousand dollars to administer.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. to refer this petition to Town Counsel for wording, along with the rest of the warrant articles.

The Board then held a Public Hearing on the petition of Jimmy's Restaurant IV. Mr. Lawlor stepped down as acting chairman due to a possible conflict of interest and left the room. Mr. Dalton as Clerk chaired the hearing.

Attorney Brad Fortin represented Dimitrios and Betty Zygouris. They also own the property at 147 Princeton Street as Princeton Realty Trust. They are asking for an All Alcoholic Common Victualer's license and Weekday and Sunday Entertainment licenses. Mr. Zygouris obtained the property at 147 Princeton Street

water bills.

Attorney Fortin said that Mr. Zygouris has been in the restaurant business for over 30 years, starting with Jimmy's I in Dracut, and adding Jimmy's II in Methuen and Jimmy's III in Haverhill. He runs a family type restaurant, and the sale of alcohol is secondary.

The large capacity of the function room is a big reason Mr. Zygouris acquired the property. There is also a lounge and restaurant. He is requesting hours of 11 am - 2 am. Mr. Zygouris has a good track record and wants to be competitive. He accepts as a condition that there will be No Nude Dancing on the premises and he runs a clean, family establishment. There will be no sign except Jimmy's Restaurant IV. They will be doing some decorating changes to the interior and will open in late June when the renovations are complete.

At 8:40 pm Mr. Joyce joined the meeting.

Atty. Fortin continued that all personnel serving alcohol in all his restaurants are trained and are TIP certified. He added that the doors of the function room open at the back and face the woods at the back of the property.

Mr. Dalton asked if anyone wished to speak in favor of or opposition to this license. Frank Martin, 140 Princeton Street, said that the 2 am closing collects people coming from New Hampshire bars, and employees coming out at 2 or 3 am making a lot of noise. He added that he knows Jimmy's restaurants and will have no complaint if he runs them the way he runs the others.

Mr. Dalton asked what hours are they requesting and Attorney Fortin said 11 am - 2 am. If there's a problem with 2 am they would come back in six months if there have been any complaints. They want the same hours as similar licenses have been granted in the past. Mr. Zygouris said he would have last call at 1 or 1:30 am and will serve food until 11 pm, with a limited menu until closing.

Mr. Welch said Mr. Zygouris should be a prime example of someone we should feel comfortable with and we should grant the 2 am closing. He is a well established proprietor and restaurateur.

Attorney Fortin said they are applying for an All Alcoholic license with a restriction of no nude dancing, with the hours as stated in the application. They want to open at 9 am on Sundays for a breakfast buffet. The hours requested are from 11 am - 2 am Mondays through Saturdays, with 9 am to 12 midnight on Sundays. No alcohol will be served until after 12 noon on Sundays. He stated that they are applying for a new liquor license. Ms. Gates stated that she doesn't like asking everyone who comes before the BOS if they intend to have nude dancing - don't ask if it's not allowed. Motion by Ms. Gates, seconded by Mr. Welch, to approve the All Alcoholic Common Victualer license for Jimmy's Restaurant IV. Vote was 4 in favor, 1 abstention (PVL who was not present for the hearing).

Motion by Mr. Welch, seconded by Ms. Gates, to approve the Weekday Entertainment license as requested, with the same hours. Vote was 4 - 0.

Motion by Mr. Welch, seconded by Ms. Gates, to approve the Sunday Entertainment license with the hours as requested. Vote was 4 in favor.

Entertainment license with the hours as requested. Vote was 4 in favor.

Mr. Lawlor rejoined the meeting.

The Board will hold a Work Session on February 12 at 7:30 pm.

At 8:55 pm motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
96 APR -2 AM 9:46

Work Session of the Board of Selectmen held Monday, March 18, 1996. Members present were: Robert P. Joyce, Peter V. Lawlor, William F. Dalton, Susan J. Gates and Thomas J. Welch. Town Manager Bernard Lynch was also present.

Sewer Commission Chairman John Emerson was present to show the Board plans for additional office space at the Town Offices building. Mr. Emerson said that they have had a set of mechanical plans drawn by Foley & Belanger. The Commission was originally going to put a free-standing building on Richardson Road, but decided to keep the administration here since they interact daily with the other departments. The plans presented would bring the building into code both for fire and handicapped accessibility and would also allow for space to be used in the future.

Gerry Foley said they did an existing plan of the building and looked at the site. He said this is a nice building, perfectly symmetrical. There are two levels at the back for handicapped and the biggest part of the addition will be on top of the present gym - we can expand the building without expanding the foundation area. There will be 3-tiered parking, with the hill leveled off and a total gain of 6 parking spaces. The gym will remain but Phil Belanger said they might use the stage area for an elevator and restrooms. The new entry level will be at the present sewer commission offices. They will build an intermediate floor and add new offices on the top floor. The Sewer Commission would have 5,000 sq. ft. over the gym. They would put in a wheelchair lift at the front door and the fire escape would be eliminated. The present elevator will become a stairway. We could get 2000 sq. ft. of renovated floor space out of the gym, with 5,000 sq. ft. of new space.

Mr. Emerson said the total cost would be \$1.5 mil, and the Sewer Commission would give \$867,000 out of their current sewer bond money. Mr. Lawlor asked if they can appropriately use this money and Mr. Emerson told him that they have checked with bond counsel and can use this money. Mr. Lawlor asked if they would still proceed with this if the exemption question fails and Mr. Emerson said yes, They see it as an opportunity for the future needs of Town government and to bring the building up to code. Mr. Belanger added that the figure includes site improvements.

The Sewer Commission left the meeting at 7:35 pm and the Board went into Room 202 to meet with the FinCom and School Committee.

Mr. Lynch went over his five year Fiscal Projections, with projected revenue including local taxes collected the year before, plus the prop. 2 and 1/2 increase, the sewer debt exclusion and new growth - estimated at \$500,000 for FY97, a little less than this year. Debt exclusion will go from \$3.7 mil now to \$3.1 in 2001 as the sewer project is retired - if the expansion is approved this figure won't drop off. State Aid will hopefully increase from \$1.9 mil to \$2.3 mil in 2001 - everything else is level funded but an increase is expected in lottery money based on an agreement with the State. There will be increases in Education funding which is not included in this projection. Any increase in Chapter 70 monies goes directly to the students. Under Available Funds Mr. Lynch said the Stabilization Fund should be \$2.7 - \$2.8 mil and is now \$1.9. The conscious decision to build it up allows us to draw from the

fund to achieve certain projects. We will draw upon it in FY99 for the Center School project, which will be eventually 2/3 refunded by the State, and the increases to the library and police station.

In FY96 the sewer betterments were used to stabilize the tax rate for the sewer project. We are putting \$250,000 from free cash each year into Stabilization.

Under Local Receipts the motor vehicle excise tax is \$2.5 mil now and expected to be \$2.9 mil by FY2001, although there has been talk by the state of eliminating the excise tax. Our rental income will drop by the loss of the Center School rent. Mr. Lynch outlined the variables included in this projection, including 4% for health insurance, which is actually not that much; new school construction which is picked up in debt and interest. Mr. Welch asked if this is still a somewhat conservative projection and Mr. Lynch said that they are more realistic numbers.

Mr. Lynch said that the FY97 Fall Projection shows a \$48,000 surplus and we are still committed to put \$750,000 into Stabilization this year. We run very tight for the next 4 years after FY97. Lottery money will be higher. Under available funds we are using an additional \$100,000 from sewer betterment fund towards the tax rate. We also have received \$338,000 for sewer rate relief which we'll put towards tax rate relief. We estimate user fees at \$770,000 which is a little higher. Under Miscellaneous Receipts rental income will increase due to the rental of the golf course and function hall.

The Budget Summary shows a total projection for FY95 of \$57,424,002. \$29,466,000 is the School Dept. target number, to increase by \$50,000 since the NVTHS assessment has dropped. Employee benefits drop to \$5.3 mil, but debt and interest is up.

Our Snow and Ice Overdraft is \$350,000 but we are hoping for \$75,000 from the State Snow and Ice Relief and \$100,000 from FEMA funds.

Issues of concern are Snow and Ice, which we will know by Town Meeting; the Charter School which will take \$840,000 from the School budget now for 154 students. This still shows in the School budget but is a loss of revenue without any savings in the budget. Collective Bargaining - Police and Fire are still not settled or funded for this year nor Superior Officers. The School Dept. Custodians still have not settled.

Mr. Lawlor asked if the \$840,000 is a total loss, or not known yet. School Committee Chairman Wendy Marcks said that the biggest savings could be salary line items - if we can close an entire classroom, but we don't know that yet. We know the number at each grade level for the Charter School but it won't be finalized until September. They are meeting with the FinCom tomorrow night and will have the best information as of that date.

School Committee member Judy Mallette said if they have an exposure of \$800,000 they will have to reduce somewhere and what about the Town side - could they help? She said that \$800,000+ in State Aid will be shifted to the Charter School, and is there shared exposure.

Mr. Lynch said he will recommend the budget as shown until September and the money will have to come from the School budget. There may be shifts and changes. He continued that the Town still has collective bargaining, and public safety and services.

Ms. Marcks said that they are looking at other Towns with Charter Schools to see how they have funded it. Member Mary Frantz said there is reimbursement for some schools. Rep. Carol Cleven is drafting a bill to try to get some relief but we won't know about State Aid until the State budget is passed.

School Business Manager Bob Cruickshank said that the Town of Franklin started a Charter School last year and were below foundation so they got 100% funding. This is built into their base number and they will get the same amount each year. We're the only school system below foundation budget and hope to get 100% reimbursement. We're going to the State House to make sure the bill is filed. Mr. Cruickshank added that there are now 152 Charter students but next year there could be 176 which would max out at 22 students per class, and 2 classes per grade for grades 5, 6, 7 and 8. We will be out another \$100,000 the following year. The key word is language. He added that the Charter School is coming to us to get student's records and we need parental permission to release them.

Mr. Lawlor asked what about contracting services to the Charter School and Mr. Cruickshank said we're discussing transportation with them. He added that the size of classes is increasing and extracurricular activities have not yet been discussed.

Ms. Gates asked is there something the BOS could do to help. Ms. Mallette said to write to our legislators and had a package on the Charter School Reimbursement Legislation and the Education Technology Bond bill. Ms. Marcks asked the Board to please read the materials and call the School Committee if they have any questions. They will be back at the FinCom meeting on Thursday.

FinCom member Chuck Piper asked what is the implication of the \$800,000 exposure and Ms. Mallette told him that it is quarterly payments, with the first 2 estimated.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the BOS instruct the Town Manager to send two letters to our legislators stating that we strongly support the Education Technology Bill, one from the Board and one from the Town Manager.

At 8:45 pm the Board met in the BOS Conference Room for a goal setting session.

Mr. Lynch told the Board that we received three proposals for the Chelmsford Country Club function hall - J & O Management, Edna MacNeil and Sterling Golf Management, Inc. He told the BOS that Sterling would provide all capital improvements the first year for a total of \$14,400. They will pay \$1,040 per month in rent. Mr. Lynch feels it is in the best interests of the Town to award the bid to Sterling and he has done so.

Mr. Lawlor asked for hours of operation and they will be at least 9 am - 9 pm during the golf season. They will have to apply for a liquor license. Ms. Gates asked about

what they are doing for capital improvements and was told kitchen improvements since the kitchen is not up to code, carpets replaced, restrooms renovated.

Mr. Dalton said he would rather see J & O get the contract since John Reid has worked there for 25 years, since he was 10 years old, and is a Town resident. Mr. Lynch said it is better for the Town to have Sterling get the contract, that J & O want to put on an addition that would be objected to by the neighbors. Mr. Lynch added that it will coordinate better to have Sterling manage both the golf course and the function hall. They do both those in Newton. Sterling has the ability to be bonded, is already incorporated and their credit is in place.

Mr. Lawlor asked about a lease and Mr. Lynch said it is for 3 years and they are responsible for the facility.

Motion by Mr. Lawlor, seconded by Ms. Gates, to approve the award of the bid for the Country Club function hall to Sterling Management. Vote on the motion was 4 in favor, 1 opposed (WFD).

The Board then went on to discuss goals and objectives. Mr. Lynch said that he took off labor relations as a goal because that is really part of his job. He gave the BOS a handout indicating that the second page shows the goals as he has tried to put them into broad categories.

Mr. Lawlor said let's get cohesion on a number of goals and what achievements would be defined as goals. Mr. Welch commented that some of these are goals of the BOS and the community, not just the Town Manager. Mr. Lawlor said that these are BOS goals that we are asking the Town Manager to achieve, and Mr. Welch added that these goals should trickle down to department heads.

Mr. Welch then told the Board about the Hoshin process. a Japanese process in which you pick out 3 or 4 major issues and put strategies, measures and metrics in place. This becomes the document that you focus on - breakthrough thinking. We pick 4 or 5 breakthrough goals and ask Mr. Lynch to establish strategy to achieve them, and then we determine how he measures up. By using this kind of process it keeps us all informed.

It was decided that each member would pick his 3 top goals.

PVL - technology, tax relief and regional leadership.

TJW - the same three.

RPJ - mission and values, Central Square and technology

SJG - same as Mr. Lawlor and Mr. Welch

WFD - technology, tax relief and mission and values

Mr. Welch said we need to set up support groups to help achieve these first three, put a set of strategies in place and let people know what goals we're working on.

For a fourth goal:

RPJ - leave out Central Square and vote for tax relief

WFD - citizen activism

TJW - public facility improvements

SJG - " " "

PVL - EMT training for Police, but that is not a separate category

Mr. Welch said the top 3 would be breakthrough goals. We need to talk more - the Town Manager to develop strategies, come back to the BOS and we put on measurements. This should determine how you spend your time and need to hold department heads accountable.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan, to do a Proclamation for Planning Board member Tom Firth who is retiring.

Motion by Mr. Lawlor, seconded by Mr. Dalton, unan. that the BOS present former Selectman Roger Blomgren a colored photo of Central Square, with a small plaque and also a Certificate of Appreciation thanking him for his years of service to the Town.

At 9:55 pm motion by Mr. Lawlor, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

John E. Carter

RECEIVED
96 APR 30 PM 2:58

Regular meeting of the Board of Selectmen held Monday, April 1, 1996. Members present were: Robert P. Joyce, William F. Dalton, Susan J. Gates and Thomas J. Welch. Peter V. Lawlor was absent due to illness and Mr. Joyce sent the Board's best wishes to him. Town Manager Bernard Lynch was also present.

Kristi Perko represented a group of 8 women who have made a quilt in memory of the Oklahoma City bombing on April 19, 1995. Other quilters were: Sue Babich, Angela Buuck, Ann Hogan, Mary James, Linda MacLaughlin, Carol Smith and Roberta Wells. Ms. Perko explained the colors used in the quilt: purple - compassion; yellow - those missing; green - prayers; blue - state flag; white - innocence; and black - mourning. The quilt says: From the Seedbed of America to its Heartland. America Remembers, America Cares. Motion by Mr. Dalton, seconded by Ms. Gates, unan. to send the Memorial Quilt to Oklahoma City on behalf of the Town of Chelmsford, noting that we understand their grief and hope this helps a little. Mr. Lynch said we will put it on display on the first floor of Town Offices for a week before it is sent.

Sandy Donovan, Director of the Community Exchange Food Pantry, gave the Board a Certificate of Appreciation for the third year. She had received a letter from the Town Manager stating that the Town needs the space she is currently using at the Old Town Hall by July 1st. Ms. Donovan said we are at a crossroads - the Town needs space and we need to continue. She wants to fix up the garage adjacent to the building and asked Mr. Lynch's help in writing a grant to fix up the building for the Food Pantry and Emergency Management.

Ms. Donovan named the members of her Board of Directors and volunteers. Mr. Joyce said she is here because she was notified that we were taking back the space, and Ms. Gates and Mr. Dalton said that we as a Board should sit with their Board of Directors.

Mr. Dalton said the Food Pantry is an essential service to the Community and he has a problem moving the Veterans' Agent to that space - it is too small and he won't have any privacy down there.

Mr. Lynch said we intend to utilize the building in a different way and he has met with department heads and are looking at different ideas out there worth exploring - the garage, maybe a surplus quonset hut from Fort Devens. We are not ignoring them. Mr. Joyce suggested that maybe we could have Nashoba students or Eagle Scouts help work on the building.

William Colbert, 12 Moonbeam Avenue, said he and his wife both volunteer at the Food Pantry. He has spoken to the Town Manager about using the room next to the Food Pantry for the Veterans' Agent. He then questioned Ms. Gates' comments in the Independent and she said they were fairly accurate. Ms. Gates said she will stand by what was quoted - that we can't give space to everyone who wants it.

Tony Volpe, Precinct 1, said he is glad that the Board is going to try to help the Food Pantry, saying that they are different and help 5 - 7% of the working poor people who have no other source of food.

Ralph Hickey, ADA Coordinator, said that he supports the people who need the help and wants a commitment that the Food Pantry can stay there until other space is found.

George Merrill, 108 Dunstable Road, said that on March 14 the Chairman of the Historical Commission went to the 1802 Schoolhouse and found their file cabinets gone. They found them in the Town Offices, and he would like the BOS to conduct an investigation and if it is the fault of an employee to have a letter put in his personnel file, and if an elected official they should give a public apology. Mr. Lynch will report on this under his reports.

Mr. Dalton reported that the Lions Club is holding a Pancake Breakfast on Saturday, April 6, at the Unitarian Church from 8 am - 12 noon.

Barbara Scavezze, Solid Waste and Recycling Coordinator, was present to ask the BOS and residents to participate in the Town-wide Clean-up Day up on Saturday, April 27. She gave a short summary of the program and asked that the BOS Chairman and the Town Manager speak at the lunch at the Elks at noon.

The Board then held Public Hearings on Street Acceptances. DPW Director Jim Pearson was present and told the Board that the reason there are so many this year is that many of these streets were completed years ago but never came to the BOS for acceptance. Since we maintain these streets now acceptance of them adds to our list of roadways and helps us to get more Chapter 90 and Snow and Ice Deficit funds. To make a street a Public Way requires two votes: one by the BOS and one at Town Meeting. He is asking the BOS to approve 10 streets tonight and probably all 15 at Town Meeting. He asked the BOS to recommend the following:

1. Lori Lane - built 1971 - serves 4 houses.
2. Marguerite Road, off Dunstable Road - serves 6 houses.
3. Dobson Road, off Concord Road, late 50's and early 60' - 6 homes and 2 additional in 1966.
4. Deana Lane, off Pine Hill Road, - 4 homes, built mid 70's
5. McCormick Lane, off Garrison Road, 5 homes, built 1972
6. Alcorn Lane, off Hunt Road - 10 lots
7. Courthouse Lane, off Parkhurst Road - zoned CB and CD, built in 1980, has water and sewers, maintained by abutters.
8. Kristin Drive Ext. in the Farms - a portion already accepted, as far as Gary Road. We've maintained and sewerred. We've been trying to eliminate the name "Extension" and there is a strange numbering system here. He recommends accepting it as a public way and then looking into changing names and numbers.
9. Grady Drive, off Mill Road - 3 homes, built in 1975.

Mr. Pearson asked the BOS to hold their recommendations on:

10. Old Farm Way, off Old Westford Road - 22 lot cluster built 1993; Planning Road is holding \$10K bond
11. Somerset Place - 7 lots off High St. built 1994 - \$10K bond
12. Moore Street - this will wrap up entire subdivision. 18 lots, 5 owned by UPS. Pl.Bd. holds \$20K bond.
13. Brittany Lane, off Concord Rd. built 1995 - 8 cluster lots; \$10K Pl. Bd. bond

14. Moccasin Lane, off Graniteville Road - 6 lots, \$10K bond

15. Fairmount Street - recommended. RC, RA and public. Wraps around N. CH Water land. Accepted in 1937 but plans were wrong.

Mr. Joyce asked if streets that don't have them are entitled to streetlights and Mr. Pearson said they already have them - the developer puts up the lights and the Town pays for the use. Mr. Dalton asked if it justifies approving these streets to get more state monies, and Mr. Pearson said Yes, because we own them forever.

Mr. Joyce asked for any questions and Greg Piper, 1 Moccasin Lane asked why the \$10K bond is being held and Mr. Pearson told him that the street has to sit through an entire winter season. They're working on a final As Built plan, with only minor items to be changed. Mr. Piper said there is a sidewalk on his property with 250' frontage and he is working it out with the developer. Mr. Pearson said he is aware of the issue with the sidewalk and streetlight. Ralph Hickey said that Mr. Pearson mentioned 2 areas - E-911 and re-numbering different houses. He wants to see the Town take action that residents have to put numbers on houses and Mr. Lynch said that is part of the fire by-law. Mr. Welch said we should put the by-law that covers numbering in the Community Newsletter and Mr. Dalton added that a 4" number is ideal.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. that the BOS accept Mr. Pearson's recommendation to approve the 10 streets as listed.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. to accept Mr. Pearson's recommendation to hold on the other 5 streets until Town Meeting.

The Board then held a Public Hearing on the application of Foodee's for an All Alcoholic Common Victualer license restricted to Wines and Malt Beverages to be exercised on the premises at 80 Drum Hill Road. Gregg Heidenreich, Manager gave members copies of the proposed floor plan. He said that Foodee's is a franchise operation, with 14 shops in New Hampshire and 1 in Newburyport, MA. He is planning on app. 35 seats, and beer and wine would not be more than 4% of sales. They keep it more as a novelty. He manages shops in Concord and Nashua, NH. Mr. Joyce asked if he has experience in serving Beer and Wine and Mr. Heidenreich said yes, he is approved by the State of New Hampshire and has had TIPS training. John Harrington, local package store owner, said that TIPS programs are ongoing for restaurants. The age for serving liquor is 18, and for drinking 21, in both Mass. and NH.

No one was present in favor of or opposition to this application.

Mr. Dalton said that this is a former Dunkin' Donuts Shop and is it ADA compliant. Mr. Heidenreich said he doesn't really know, but will check with the Bldg. Insp. and the ADA Coordinator. He said there are 4 handicapped parking spaces in the front of the building.

Mr. Heidenreich said there will be some exterior renovations and that the landlord will refinish the roof to blend in with Dunkin' Donuts. There is adequate parking

and he hopes for sales of about 65% in house and 35% takeout.

Planning Board member Kim McKenzie noted that the Planning Board is making changes to parking requirements.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. to approve the All Alcoholic CV License Restricted to Beer and Wine to R.G.B. d/b/a Foodee's, 80 Drum Hill Road as long as they are in compliance with ADA and all building codes. Mr. Heidenreich said the hours of operation will be 11 am - 9 am Sun. - Thursday and 11 am - 10 pm Fridays and Saturdays.

The Board then met with Kim McKenzie and Tracy Wallace-Cody, from the Planning Board. Mr. McKenzie said he heard that the BOS had asked why not put these amendments to the zoning by-law in the Master Plan and told them that the Planning Board feels these items need to be addressed now. He said they had formed a sub-committee of himself, Ms. Wallace-Cody, Jim Creggan, Tony Zagzoug and George LeMasurier and found they had too much parking for businesses and too little for restaurants.

Mr. McKenzie then explained the articles to the BOS:

Art. 20: substitutes net floor area for gross area, which will reduce the number of parking spaces needed

Art. 21: restaurant now calls for 1 space per 3 seats; will change to 1 space per 2 1/2 seats, + 1 space for each employee. This will add 20% more parking for customers.

Art. 23: any new business will have to meet this criteria - if number of tables is added or decreased or employees changes parking spaces will change accordingly.

Art. 24: new - we had no criteria for loading zones; this says that they can't use part of the street for loading purposes.

Art. 25: lot frontage - we are putting muscle into the bylaw that we have now - we want quality lots.

Art. 19: Ms. Wallace-Cody explained this article re Cluster Developments - that they have to prove to the Planning Board that they can build conventionally, with 1 house per acre, and the Planning Board can then permit 1 house per 1/2 acre, with the rest as Open Space. There would be no more lots allowed than in a regular development; to change "RCD" to "POS".

Mr. Joyce said the BOS will give their recommendations at Town Meeting.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. to approve the minutes of the meetings of February 5, 12 and 26 and March 11 and 18, 1996.

Under Town Manager Reports, Mr. Lynch reported:

1. the State has approved \$103,000 to the Town for the Snow and Ice Deficit. We spent \$725,000, which is only a little worse than in 1990 when there was less snow and we spent \$650,000. He congratulated the DPW.

2. As a follow-up to the ABCC Workshop, the BOS can appoint agents or investigators under MCL CH138 and Town Counsel has recommended two votes.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. to designate all Chelmsford

Police Officers as enforcers of liquor control laws.

Motion by Mr. Dalton, seconded by Ms. Gates, to designate all Police Dept. Special Services officers as enforcers and investigators of the liquor control law.

John Harrington was also at the ABCC meeting, and Ms. Gates said they were told that it is not enough for the BOS to check liquor establishments once a year and if officers are appointed they can get to know the owners and investigate more often. Mr. Harrington told the Board that the Mass. Package Store Association wants to keep the ABCC intact and hopes that the Town Manager and BOS will relay this to the governor, that it will raise havoc in the State if he abolishes the ABCC.

Motion by Ms. Gates, seconded by Mr. Dalton, unan. to ask the Town Manager to write a letter in support of the ABCC.

3. the Town Manager reported that golf play started at the Chelmsford Country Club last Thursday and there will be a more formal grand opening in the future. The fees are the same as last year. He wants to have the Board meet with management and see the changes and improvements. He added that the more people who play the better the revenue for the Town. They are putting up signs and Mr. Dalton suggested putting up a sign at Bartlett Park and Rte. 27. Mr. Lynch said they wanted to repave the parking lot but the whole lot may have to be redone.

4. Mr. Lynch reported on the issue George Merrill raised re the Historic Commission files. We had discussed the accessibility of the Historic Commission and Historic District Commission files at the 1802 Schoolhouse since they are public records.

Inadvertently the commissions were not notified that the files were being moved to Town Offices. An Historic Commission volunteer indicated that there were inventory files missing but it now appears that everything is there. She will give a final inventory. Locks were taken from the files but the file room is locked.

Ms. Gates said that there has been some misunderstanding - some file cabinets were empty because the Historic District Commission has 2 new filing cabinets. Mr. Lynch said that people can have access to the files through Marian Currier. Mr. Joyce asked Mr. Lynch to bring all the people concerned with the files to look at them in the new location.

Under Appointments, Mr. Lynch has appointed Jane Nahabedian, 96 Crooked Spring Road to the Commission on Disabilities. Motion by Mr. Dalton, seconded by Mr. Welch, unan. to approve this appointment.

Motion by Mr. Dalton, seconded by Mr. Welch, unan. to approve the 1-day All Alcoholic license for St. Vartanantz. for May 12, 1996. We will check to see how many licenses have been issued in the past 12 months.

Under Selectman Referrals Mr. Welch said that this is Mr. Joyce's last night and no one could question his commitment - he did what he thought was right for the Town.

Ms. Gates told Mr. Joyce that he's worked very hard and is really dedicated and thanked him.

Mr. Dalton said he has enjoyed serving with Mr. Joyce the past two years and he has stood up for what he believes in.

Mr. Dalton asked about the outside bulletin boards at McCarthy and the High School and they both say "Vote Tomorrow".

Mr. Dalton asked about putting the projection screen behind the Board members and Mr. Lynch said it will be done by the next meeting, and he will also give out new seals for Town vehicles.

Mr. Joyce said he had a call from #83 Turnpike Road. that there is a depression and easement through her yard. Ms. Currier said that both John Long and Jim Pearson had been out there and Mr. Lynch said we will go onto private property to repair Town drainage easements.

Mr. Joyce said that the vote on the Nashoba Tech School Committee appointment should have been taken prior to March 31 - every other Town has voted. Is this a big political issue? Mr. Lynch said we try to offer the opening to the public for their interest. The notification letter came in on March 7, too late to properly advertise and notify the public by April 1st. Mr. Lynch said the appointment is typically made the week before the election but has been as late as April 11 and April 30th. He had suggested April 8 for public input time and Dennis McHugh agreed. The Town Moderator should call the meeting.

Mr. Lynch said that the incumbent is interested and he has heard of two others who might be. Mr. Joyce said that Sam Poulten said that individual Board members can call him re Mr. Green's non re-appointment. Mr. Welch asked if anyone can call him and Mr. Joyce said that's an open invitation.

Ms. Gates asked if we can meet with the NVTHS School Committee in Executive Session and Mr. Lynch said he will check with Town Counsel.

Mr. Joyce said he has no prepared statement for his last meeting and said he could say "I Did It My Way", with few regrets. He has enjoyed being a Selectman and saw a lot of people at his business on Summer Street. He thanked the Board and all the previous Boards he has worked with, and said that although he and Mr. Lynch disagree quite often they usually end up friends. He thanked the office staff and all Town employees.

At 9:30 pm motion by Mr. Dalton, seconded by Ms. Gates, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
96 APR 30 PM 2:58
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, April 8, 1996. Members present were: Peter V. Lawlor, William F. Dalton, Susan J. Gates, Thomas J. Welch and Stuart G. Weisfeldt. Town Manager Bernard Lynch was also present.

The Board reorganized for the coming year.

Motion by Mr. Dalton, seconded by Ms. Gates, to elect Mr. Lawlor as Chairman for the coming year.

Motion by Mr. Dalton, seconded by Mr. Welch, to elect Ms. Gates as Vice Chairman.

Motion by Mr. Dalton, seconded by Ms. Gates, to elect Dr. Weisfeldt as Clerk.

Mr. Lawlor wanted to thank everyone who sent him good wishes last week when he was in the hospital. He said he is fine, and that they have no idea what happened to him.

Mr. Lawlor said that this is a great Board, that it is a Board that has built upon other Boards he has served on and all members want what's best for the Town. There will be lots of new innovations and he has learned from each of the chairmen he has served with.

Mr. Lawlor said he wants to recognize Bob Joyce, last year's chairman, who did not run for re-election last week. He said that Mr. Joyce has served for 3 years on the Board with diligence and always with the Town's best interests in mind. Mr. Lawlor then presented a plaque and gavel to Mr. Joyce.

Mr. Joyce said he knows that Mr. Lawlor will be a great chairman and this looks like a hardworking Board. He said he has enjoyed his time on the Board and thanked the citizens of Chelmsford, Town Manager Lynch and the outstanding Town employees. Mr. Lawlor then asked that Mrs. Rose Joyce and their children come up and he presented Mrs. Joyce with a bouquet and said he knows that serving on the Board can be thankless and challenging. He said that she and the children have been a very supportive family.

The Board took their new seats, with Mr. Dalton in the fourth seat and Mr. Welch the fifth.

Mr. Lawlor announced the joint meeting with the School Committee to appoint a representative to the Nashoba Valley Technical High School Committee and said that they are going to take a 5-minute recess to make sure everyone is all set.

After the recess Mr. Lawlor announced that the Board has just received a communication relating to that vote which is necessary for us to consider and act upon and what we are being asked to consider and act upon involves potential litigation relating to the next agenda item.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to go into Executive Session to discuss strategy in regards to potential litigation. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye; TJW-Aye and PVL-Aye.

When the Board returned to Open Session at 7:25 pm Chairman Lawlor went

the process noting that it is a joint appointment and chaired by Moderator Dennis McHugh. Each of the 3 candidates may address the meeting and he knows that one candidate is represented by Counsel.

Mr. McHugh opened the meeting, recognizing the presence of a quorum.

Attorney Kellie Dunn represented Sam Poulten, the incumbent, and said that all participants have been sent correspondence from her client stating that there are inadequacies in the appointing process and violations of the agreement between the Town Boards and Nashoba. She added that last year they started the procedure of asking the candidates to speak to both Boards.

Mr. Poulten spoke first, stating that he has concerns with the procedure, that the process should take place in an orderly, timely manner. He understood that NVTHS notified the Town of the opening on March 4 and he expected the meeting to be held on April 1st. He noted that the other Chelmsford reps are here, and he has had calls from only 4 people with questions as to why the NVTHS Committee did not renew Fred Green's contract. He said that he feels he is the best candidate, that he has done an excellent job and is asking that the appointing procedure be postponed for 2 weeks. It is a mistake to go forward tonight and leaves the Town open to potential litigation. There will be a taint over this seat and he would step down rather than taint the proceedings. He cannot participate if they don't postpone the appointment.

Mr. Lawlor told him that the joint Boards have taken a vote to proceed this evening. Mr. Poulten stated that he doesn't think the vote would be clean; his concerns are: 1. the kids at Nashoba; 2. the Town of Chelmsford, and 3. his candidacy - he is not withdrawing.

Candidate Peter Bagni said that he was in the first graduating class from NVTHS and would like to give something back to the school that gave him so much.

Candidate Mary-Jo Griffin said that she is presently the alternate and would like to have a voice in the process. She would like to fix the lack of communication between Nashoba and the Town of Chelmsford and wants to build a bridge between the Town and the school. She had taught there for 4 years and there is now a much more pleasant atmosphere at the school than when she left.

Mr. Dalton nominated Mr. Poulten, seconded by Mr. Lawlor for discussion.

Mr. Welch nominated Ms. Griffin, seconded by Mary Frantz.

Nominations were closed.

The vote was 6 for Ms. Griffin, 3 for Mr. Poulten, with one abstention. Voting for Ms. Griffin were: Mary Frantz. Judy Mallette and Wendy Marcks from the School Committee, Mr. Lawlor, Ms. Gates and Mr. Welch from the BOS. Voting for Mr. Poulten were: Mr. Dalton, and Angie Taranto and Tony Volpe from the School Committee. BOS member Dr. Weisfeldt abstained. Motion was made to make the vote for Ms. Griffin unanimous and the vote was 10 - 0 in favor.

There will now be an opening for an alternate to replace Ms. Griffin. Mr. Lawlor asked to defer the appointment of an alternate until the vacancy has been posted and

Mr. Gates read the proclamation for Youth Government Week beginning April 29th. Dennis Ready introduced Mike Marshall, the new Exalted Ruler.

During Open Session George Merrill, Precinct 2, said he had asked for a sub-committee of the BOS to look into the moving of the Historic Commission files and it was not done. Their records are always accessible to the public and are now in a 2 x 4 space where you can hardly turn around. He feels there is more to this than just moving files, and asked the BOS to please take action on this request.

Brenda Lovering, Chelmsford Garden Club, presented daffodil plants to the Board members, noting that they had proclaimed Daffodils for Chelmsford last fall and they have planted over 5,000 bulbs that will bloom this year.

Mr. Lawlor noted that the Public Hearing on the transfer of the Westlands Package Store has been postponed at the request of the applicant.

Jonathan Stubbs, Precinct 7, presented his 3 petition articles to the Board.

Art. 28 deals with a handicapped access patrol, based on a program in the Town of Barnstable. He has talked with Barnstable and they issue tickets at \$25 per violation and collected \$4,000 last year. In Chelmsford the rate is \$100 for parking in a handicapped spot illegally, and we got \$3700. In Danvers a picture is taken of the violation, which then goes to the Police who issue a citation. Most Towns use their Disability Commission to check sites.

One of the Police Chief's concerns is signage, which is not always correct. The Commission is working to correct signage. Mr. Lynch commented that we do have by-laws that allow us to generate that money, and that Town Counsel is concerned with citations being issued by civilians. We can build upon this idea.

Art. 29 deals with the issue that if a subject is defeated at Town Meeting it may not be brought up again for 3 years. He knows that zoning articles may come back in 2 years. Mr. Lynch told him that Town Counsel has a few concerns.

Art. 30 deals with the question and answer period at Town Meeting - it seems to evolve into a debate before the period is over.

Mr. Lawlor thanked Mr. Stubbs for coming in and called for a brief recess at 8:20 p.m.

Middlesex County Sheriff Brad Bailey addressed the Board at the suggestion of Mr. Dalton, who had heard him talk about the overcrowding at the Billerica House of Correction. It costs \$25,000+ to incarcerate one inmate for one year. He wants to find work projects within Towns that can't be done by current employees, low level manual project that won't take work from other employees. He will look at any proposals for work to be done.

Mr. Lawlor then asked the Town Manager to introduce members of the Central

Square Traffic Committee. He added that the BOS had asked the Town Manager to proceed to try to abate the traffic problems in the Center. The problem has been there over 70 years - in a 1924 Town Meeting Warrant a committee had been appointed to alleviate this problem. Studies done in the past never quite met our needs so a sub-committee of the Traffic & Safety Committee was set up.

Chairman Judy Mallette has done overheads and introduced the members of her committee, stating that their first meeting was on Dec. 6, 1994. This is the first time a plan has been done from a Town perspective and she thanked the engineering firm of Vanesse, Hangen & Brustlin.

At their first meeting they set up a Criteria for Change and eventually came up with 12 plans which they ran through this criteria.

DPW Director Jim Pearson walked us through the process, using the overheads to point out the changes.

Ms. Mallette said there may be municipal parking in Cushing Place, that the Town and property owners are negotiating. She noted that the signals have to work as a system.

A rep from VH&B showed the traffic pattern on a computer simulator, noting that there will be fully actuated signal systems in 3 locations: at Ericksen's Corner, Westford Street and North Road, and Liberty Square. The 3 signals will work as a system. It is recommended that the Economic Development Partnership, Chelmsford Business Association and property owners in Central Square continue to develop a business atmosphere.

Mr. Lynch was asked about the cost, and said that the entire cost is app. \$940,000 - signals \$300,000; reset and add curbing - \$180,000; sidewalk reconstruction - \$95,000; roadwork - \$142,000; landscaping - \$12,000; concrete work - \$20,000; traffic control - \$35,000; and \$157,000 for contingencies.

Funding sources are federal and state programs, STP, PWED economic development, Chapter 90 funds and block type grants.

Mr. Lynch said if the State won't fund the entire package, we can phase from South to North. This will happen within the next 2 or 3 years.

Mr. Dalton asked what could we generate from grants, and Mr. Lynch said he hopes for 100% funding.

Dr. Weisfeldt asked if the lights will be on all the time and Ms. Mallette said the Committee feels the lights should be active at all times, but this is an intelligent system and will know when cars are there.

Mr. Dalton asked about maintenance and Mr. Lynch said all costs will be borne by the Town.

Mr. Welch asked what do the Chiefs think about the plan and

Mr. Lynch said they both support it - the Fire Chief was concerned at first but he is now satisfied about getting equipment out for any call.

Ms. Gates asked that the Committee check with the new owner of the building on the corner of Academy Street and North Road.

Mr. Lawlor said this is an outstanding job and thinks it is appropriate for the BOS to

give the Town Manager and Traffic and Safety Committee a nod to proceed or not. Motion by Ms. Gates, seconded by Mr. Welch, unan. to endorse the proposal made by the Central Square Traffic Committee.

Mr. Dalton asked if the businesses support the plan and Ms. Mallette said yes. Dr. Weisfeldt asked about ongoing maintenance costs and Mr. Pearson told him it varies - pavement is about the same as now, but there will be a little more in the green area.

At 9:40 pm the Board took a 5 minute recess.

When they reconvened Mr. Dalton said that the BOS misunderstood what Sam Poulten said, that he was not a candidate but thanked those who voted for him.

Mr. Welch said that the Master Plan Committee is concerned with sign by-law violations - no one has the specifics on how to enforce them and can we review the existing situation on enforcing them. Mr. Lynch said that we are looking at changes we can make in the by-law re political signs and Mr. Welch said their concern is more with exiting commercial and neon signs.

Mr. Lawlor said that re the George Merrill matter and the Historical Commission records, does Mr. Lynch intend to respond?

Mr. Lynch said there was an identified problem with records being locked in the 1802 Schoolhouse. There was a breakdown in communications about them being placed in the small room on the second floor of Town Offices. Access is available through Marian Currier. There was a concern that some files might be missing but that is not the case. Mr. Lawlor asked if the moving of the files had been discussed with the two Commissions and Mr. Lynch said No, that's where the breakdown in communications was and the files are more accessible here.

Under Unfinished Business motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant the request dated April 4, 1996 for a Roadside Vendor's license to the Cultural Council to hold their third Arts on the Common this summer.

Mr. Dalton said that George Merrill feels there is more going on with the files than we know and wants us to talk to Jane Drury and John Goodwin. Mr. Lawlor said he will speak to members of the Historical Commission and the Town Manager before the next meeting.

Under Press Questions, Brenda Donoghue of the Independent asked if we had used prisoners in the past and Mr. Lynch said yes, they had done painting before and Ed Marshall has suggested that the Conservation Commission might be able to use some help.

At 10:00 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

56 MAY 21 PM 4:11

Regular meeting of the Board of Selectmen held Monday, April 22, 1996.
Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and Thomas J. Welch. William F. Dalton arrived at 8:00 p.m. Bernard Lynch, Town Manager, was also present.

Chairman Lawlor introduced Matt St. Hilaire, coach for the Youth Wrestling Team. Mr. St. Hilaire said that there are 120 youths in the program and their travelling team won the New England Boys Club Championship. He then called in each of the 36 team members who were presented plaques from the Team and Certificates of Appreciation from the BOS by Ms. Gates. Director/Head Coach Tom Fleming also received a Certificate. Mr. Welch recognized the coaches and the teams, and all the time and effort that the coaches put into the program and said it makes a difference. He thanked them all on behalf of the Board.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to declare Friday, April 26 as Arbor Day. She read the Proclamation, which was accepted by a Garden Club member.

During Open Session Jim Moriarty gave an invitation to residents in good health between 18 and 60 to participate in a Bone Marrow testing on May 1st at Hewlett Packard, off Route 129. The process takes about 20 minutes, to fill out a questionnaire and donate 2 tsps. of blood. Mr. Lawlor asked him what is the cost for typing, and Mr. Moriarty said no cost to the individual, but the sponsoring organization pays about \$50.00 per person. Mr. Moriarty told the Board there are plans for a raffle. etc. to help with the expenses.

Jeff Stallard. 138 Tyngsboro Road, asked what's happening with expanding the Vinal Square parking lot? Mr. Lynch said the lease has been signed and the DPW is planning to pave it in late Spring.

Mr. Stallard then asked about Memorial Day, saying that the Parade should be in Vinal Square this year and they are concerned that the roads and sidewalks won't be free of construction. He asked Mr. Lawlor and Mr. Lynch to contact the state.

Mr. Lawlor asked the status of the traffic lights and Mr. Lynch said they are installed and will be turned on next month. Mr. Stallard asked them to make sure the sidewalks and roads are clear of debris, holes and construction. He said that the 3 American Legion Posts take turns hosting the Memorial Day Celebration, which will be May 27th.

Clyde Smoll, President of the Lowell Spinners Baseball Team, said they are making presentations to Boards, school groups and colleges in the area. The team is a Class A Minor league with the Boston Red Sox. This is a Short Season schedule, with games starting the middle of June and ending Labor Day weekend. These dates are mandated by the Major Leagues.

He showed a drawing of the newly updated and renovated Alumni Field off Rte. 38 in Lowell. After Labor Day the concession stands, extra bleachers, office and press box will be removed.

His associate Mark Saunders said that they are going to BOS meetings and talking to youth baseball and softball players within 15 - 20 miles to explain the league - that this

is the second tier in the Major League ladder. He told people the price and how to obtain tickets.

Mr. Welch asked the current status of the proposed Lowell Stadium and Mr. Smoll said that an architect has been hired and they are being told that the money will be available.

At 7:45 pm the Board met with the Library Trustees. Mr. Lynch introduced the proposed new expansion plans of the Adams Library, stating that since the mid '80's they have needed more space and also to be ADA compliant. They had applied for a grant in 1988. The pressure is now greater for ADA compliance and there are other problems to deal with - space problems with 3 different buildings and lack of adequate parking. \$750,000 would be needed to make to deal with ADA requirements, which would cut the space by more than 30%.

The question on the ballot last October was for a \$6.7 mil debt exemption, which was defeated. There is only one round of State funding remaining, and the last round for the next 7 years. We feel responsible to put forth the plan and will apply for the grant if approved by Town Meeting. If the grant is obtained we will come back to Town Meeting for funding, which would be a bond for 10 years with no additional taxes. The addition will come off the back of the Adams Library and the Pink House will be maintained. There will be over 100 parking spaces and more green space around the Pink House. We will ask for \$1.5 mil in the State grant application. Mr. Lynch explained the traffic pattern in the proposed new parking lot.

He then introduced Eric Johnson from Trappe Associates, the architects for the expansion plans. Mr. Johnson went over the plans, showing the existing building to be the most prominent. They are trying to break down the elevation so it will not look like one big addition but a series of smaller pieces. Ms. Gates said that the addition is filling the gap between the library and the Children's House. It will make a total of 29,500 sq. ft. and Director Mary Mahoney said that they are now utilizing 15,000 sq. ft. with the 3 buildings.

Dr. Weisfeldt asked the total cost and Mr. Lynch told him \$4.5 mil and we are hoping for a \$1.5 mil grant. He added that other area Towns are competing for grants and if we are not successful, we will scale the plans down more. Dr. Weisfeldt asked if we have spoken to our legislators and Mr. Lynch said they will be presenting the plan to them.

Mr. Welch said we need to reinforce the fact that this is not the same addition and will not add to the taxes.

Mr. Lynch said that even if we sought a new location we would have to make Adams ADA accessible and to move and build a new library would be \$8 - \$9 mil, and we can't absorb it at this time.

Dr. Weisfeldt said he has heard that you can't go after grant money for a new building, only renovations, and Mr. Lynch said he doesn't think that is true.

Jacki Matzkin, Chairman of the Library Trustees, summed up the presentation, saying that they have tried to address the voters' concerns from last fall - the size, cost, saving the Pink House, peaked roof, not flat. She hopes that the voters will approve this downsized addition plan.

The Board then held a Public Hearing on the application of Chelmsford Country Club for an All Alcoholic license. Mr. Lawlor noted that the Town is the owner of the property and Sterling Golf Management, Inc. has leased the golf course and the function hall.

Kevin Osgood, President of Sterling, said that they are seeing an All Alcoholic Common Victualer license to serve food and beverages. He introduced Gerald Fitzgerald, general on site manager.

Mr. Lawlor asked for the days and hours they want to serve and Mr. Osgood said the same as Apple - 8 am - 12 midnight daily and 12 noon - 12 midnight on Sundays. He said they are doing full renovations on the kitchen, function hall and pub area. They are interviewing chefs now and plan to serve breakfast and dinners.

Mr. Lawlor said they know it's a residential neighborhood and how do they plan to regulate noise and the behavior of customers. Mr. Osgood said they deal directly with the neighbors in Newton where they also run a golf course and will do the same here. They do see a problem with parking and will put on a parking attendant if they have functions during the golf season. Mr. Osgood said we are there to work with the neighbors.

Mr. Lawlor then opened the meeting up to the audience, asking if anyone present wished to speak in favor of or opposition to this application.

Bailey Laughlin, 59 Park Road across the street from the club, said that they have had problems there in the past and he does not like the idea of a pub - to him that means a hangout. The owner of Trull Brook Golf Course say that liquor is not necessary and he is opposed to a liquor license in the neighborhood.

Charles Mitchum, 60 Park Road said that the sound reverberates through his house and he hears the noise from the cars leaving at midnight. He said there should not be functions with liquor at the golf course and it is inappropriate for a Town to have a liquor license to run a golf course. Mr. Lawlor said we will also include his letter to the Board with the minutes of this meeting.

Paul Cantin, 3 Linden Street, said he is opposed due to the potential noise.

Mrs. Janet Laughlin said she is strongly opposed and 3 school buses come down this road.

Berna Finley, 63 Park Road, said she is opposed and concerned with the parking problems, particularly with tournaments.

Melanie Goodridge, 4 Greenacre Lane, said she chose the neighborhood for its safety and is opposed to the application.

Kevin Frost, 65 Park Road, said that there will be an increase in traffic for a pub and function hall - bands, food, beverages, etc.

Mr. Lawlor closed the Public Hearing at 8:25 pm.

Gerry Fitzgerald told the Board that they have already foreseen a parking problem and have found room for 15 - 20 cars at the left of the clubhouse. They are not planning a pub, as such, but a restaurant that will be cleared out by midnight. Last call will be at 11:30, and they will have the parking lot clear by 12. There is not much

call for bands, and he anticipates having DJ's and soft music. They do not want to see so many functions but would like to do casual dining - dinners and brunches.

Mr. Dalton asked Mr. Lynch if he has had many complaints about the club and Mr. Lynch said no, not with the current owners. Mr. Laughlin said it was the owners before the Carlsons who caused the problems.

Mr. Dalton asked where will alcohol be served and Gerry said upstairs and in the downstairs snack bar. They are putting in an inside staircase and will put in a gate between the snack bar and pro shop. Mr. Osgood said they would address neighborhood problems. Mr. Dalton asked if he feels that alcohol is vital and Mr. Osgood said yes, that they want to get a decent food operation started.

Ms. Gates asked Mr. Lynch if during past presentations when he said eventually the club will pay for itself was he including the sale of liquor, and Mr. Lynch said no, he was counting on app. \$17,000 per year for the lease that could go to pay off the debt.

Ms. Gates said that during the past year we have revoked 2 licenses. She wants to grant the license to Sterling but she wants to let the neighbors know that if there are complaints we can suspend their license as punishment.

Mr. Lynch said that: 1. the Board always has the power to suspend or revoke licenses, and we're not the license holders; and 2. they hold the license but we hold the lease - if there are too many problems we won't renew the lease.

Mr. Osgood told the Board that Sterling is putting a lot of money into this project and will solve problems as they occur. We need to work with the Town. Ms. Gates asked about outside functions and Mr. Osgood said they will have to run the way we do.

Mr. Welch said he is looking at this as an extension of the golf course and re the hours requested, golfers who have had dinner are gone by 10 and his concern is during the week - if they don't close until 12 it seems like more of a pub, not a restaurant. He can understand functions on weekends and asked how flexible are they on hours? Mr. Osgood said they are willing to negotiate hours and want to work with the Town on following the contract.

Mr. Lynch asked how would Sunday - Wednesday closing at 10 pm, Thursday 11 pm and Friday and Saturday midnight. He could come in and negotiate with the BOS for occasional functions but when we granted the lease we were looking at the Town as a whole. Mr. Welch said we would have all the restrictions we talked about earlier - with last call at 9:30 and the parking lot cleared by 10 pm during the week.

Mr. Dalton said he believes that Kevin and Gerry will do everything they can to make this a viable, top-notch operation. We should give them an opportunity to at least make a dollar, and asked if they voluntarily agree to the restriction of no nude dancing.

Mr. Lawlor asked Mr. Lynch if he had any more comments and he said he wants the golf course to be a success for the people of Chelmsford, not a problem, and with these hours and our additional rights as lessor it should be successful.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant the Common

Victualer license with hours of M - W 8 am - 10 pm; Th - 8 - 11; F & Sat - 8 to 12 midnight; Sun.- 12 noon - 10 pm.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant an All Alcoholic Restaurant license to Chelmsford Country Club with hours to run concurrently with the Common Victualer license and a condition on the license that there be no nude dancing.

Mr. Osgood said they would like a 6 am opening time daily so they could serve breakfast to golfers before they start out. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to amend the Common Victualer license to read from 6 am to closing hours as stated in the motion.

Mr. Lynch said they have improved the deck, put in an internal stairway and made all bathrooms ADA compliant. They have put in new windows to monitor the golf course and are improving the 1st, 2nd and 9th tees. Mr. Osgood said they have new carpeting, new tiles, renovated kitchen and refurbished the bar area. They are planning to rebuild all 9 tees over 3 years, and are doing rock removal and adding trees and plantings.

Mr. Fitzgerald said the Junior Golf Program will be for youths ages 6 - 17 during July and August from 8 am to 9 am. There is a \$5.00 signup fee and they are hoping for 50 kids. Mr. Lynch said they are keeping the membership of the previous year but will re-evaluate.

Mr. Lynch told the residents still present that Sterling is going to make this a first class recreational area and is a real asset to the Town that has to be improved. He and Mr. Osgood both asked the residents to call if there are any problems.

Under Town Manager Reports, Mr. Lynch said that Annual Town Meeting is next Monday night and said the public is welcome to either attend or watch on Cable 43. He is meeting with the Town Meeting reps on Wednesday.

He said that the Memorial Quilt has been sent to the Mayor of Oklahoma City, and that many of our residents saw it while it was on display and were impressed with the workmanship and the thoughtfulness.

He reported that Town-wide Cleanup Day is Saturday, April 27 from 9 - 12, and anyone interested in helping should call Barb Scavezze at 250-5203. The DPW is picking up all the sand and salt from the winter and 3 sweepers are out every night. They hope to be done by mid-June.

Ms. Gates said that people have been asking about the potholes on Route 129, and Mr. Lynch told her that the roadway is breaking up and DPW Director Jim Pearson is meeting with the State on this problem.

Dr. Weisfeldt asked if we recycle salt and sand and Mr. Lynch said we mix it with what comes from the catch basins, compost it and use it for our own topsoil.

Mr. Dalton asked to have the depression in Concord Road just beyond Minuteman Drive looked at by the DPW.

He asked about double poles. We have seen some removed but Bob Grassia from Nynex has been out sick.

Mr. Dalton asked about new seals on Town vehicles and Mr. Lynch said they should now be on.

Mr. Lawlor asked:

1. about the status of the Food Pantry and Mr. Lynch said the Board is meeting May 1st with their Board of Directors. The Department heads are trying to come up with ideas on where it could go and we have brainstormed with members of the clergy, who said we should work with the Food Pantry and find out the number of people coming in and where the food is going.

2. status of the technology sub-committee, which was a goal set by the Board. Mr. Lynch answered that there is a committee of Department Heads working on this and also with the School Technology Committee. He has asked citizens to send him a letter of interest.

3. Town Offices grounds are really spruced up and Mr. Lynch said this is thanks to the Park Division and Ed Jamros and his assistant, and the Chelmsford Garden Club.

4. we had voted a 6-month alcoholic license to the Banqueteer because they were going to be sold and torn down. However, this is not happening and we should ask them to come in to a meeting in May to see what their plans are.

5. re George Merrill and the Historic Commission files - he and Mr. Dalton met with the Historic Commission and asked Mr. Lynch what steps he is taking. Mr. Lynch said he is making documents more accessible and are looking at other options. We are asking for their input and concern.

Under BOS referrals, Ms. Gates said that she has spoken to Beverly Woods and Bob Flynn, NMCOC, re the Bike Path and said that Mr. Lynch may need to talk more with them. They want to hold their Public Hearing here.

Mr. Lawlor said that last week Billerica significantly defeated sewer expansion in their Town and he is proud that Chelmsford said if some have sewers, we all should have. We will finish setting the Town Manager's goals right after Town Meeting.

Dr. Weisfeldt said that people have been asking him about the huge proposed Greystone Development in Westford and do we have any input? Mr. Lynch said there is a Public Hearing next Monday night and Andy Sheehan and Jim Pearson have been to regional meetings with Westford and Tyngsboro. There is a question of utilities.

Mr. Welch asked if sewerage Greystone will take precedence over Chelmsford. Mr. Lynch said we want to recoup our expenses from Tyngsboro and Westford but the Sewer Commission says that won't impact our sewerage.

Ms. Gates said that an article in the Boston Globe Real Estate section says our taxes are #3. Mr. Lynch said this gives the tax rate, not the average tax burden. He said that sewers have driven our rate up app. \$2.00 and in the State we are about 50th for

single family tax.

Mr. Lawlor said we will defer the vote on Warrant Articles until April 29th because we have a substantial Executive Session.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to go into Executive Session to discuss pending litigation, real property and collective bargaining. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye; TJW-Aye and PVL-Aye.

For the Board of Selectmen. by

J. J. E. O. L.

Regular meeting of the Board of Selectmen held Monday, April 29, 1996 at the Senior Center, Groton Road at 6:30 pm. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt, William F. Dalton and Thomas J. Welch. Town Manager Bernard Lynch was also present as was Town Counsel John Giorgio.

Chairman Lawlor called the meeting to order at 6:35 p.m.

Motion by Ms. Gates, seconded by Mr. Dalton, to approve the minutes of April 1, 1996. Vote was 4 in favor, 1 abstention (SGW because he was not yet a Board member).

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the minutes of the meeting of April 8, 1995 (Reg. and Exec.).

Under Town Manager Appointments Mr. Lynch said he has appointed John J. Kenney, 21 Twiss Road, W. Chelmsford to the Veterans' Emergency Fund Committee, replacing the Precinct 3 representative who died. Mr. Lynch told the Board that this committee is a Trust Fund established after World War II and is separate from the Veterans' Agent.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this appointment.

Mr. Dalton again asked about the new seals on Town vehicles, saying that the Highway Supt. does not have one on. Mr. Lynch said that car is already marked and only 1 or 2 others don't have the seal. He said maybe we should revisit the policy.

Mr. Lawlor said that Town-wide Cleanup went really well on Saturday and he wants to find a way to thank the Solid Waste Advisory Committee and the businesses that donated things. Mr. Lynch said that Barb Scavezze will have her report by May 20th and we could ask the Committee and businesses in at that meeting. Mr. Lawlor said he was very pleased with the turnout.

Sterling Golf Management, Inc. d/b/a Chelmsford Country Club is asking for two 1-day All Alcoholic licenses for May 4 and May 7. Mr. Lawlor said that normally we don't give 1-day licenses to permanently licensed premises but since they do not yet have a permanent license this is OK and they are donating the bar profits to the Junior Golf Program.

Gerry Fitzgerald, on premises manager, was present and said that the 4th is the JJ Memorial Tournament, and they will play golf, and have a drink and buffet. The 7th is the Ladies Potluck Dinner for the first night of their season. They play every Tuesday and this is not a big event and again, the proceeds will go to the Junior Golf Program.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant the 1-day license for May 4th.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant the 1-day license for May 7th.

The Board then went over the Warrant for Town Meeting, with Mr. Lawlor noting

that it is customary for the Board to vote on their recommendations on the articles.

- Art. 1 - All Yes - hear reports
- Art. 2 - All Yes - the Budget. Mr. Lynch said there will be an amendment of \$1500 to the Board of Health for lake testing.
- Art. 3 - All Yes - transfer Conservation Funds
- Art. 4 - All Yes - transfer of \$1,250,000 from Sewer Betterments
- Art. 5 - All Yes - Sewer refund monies transferred
- Art. 6 - All Yes - Capital Planning \$85,000 more than anticipated.
- Art. 7 - All Yes - \$150,000 Reserve Fund - all Yes.
- Art. 8 - All Yes - Cemetery Revolving Fund
- Art. 9 - All Yes - annual audit
- Art. 10 - All Yes - sand lease at \$20,000 per year; will be all moved within 2 years when lease ends
- Art. 11 - All Yes - \$500,000 to Stabilization Fund - aiming for \$2.5 million, or 5% of the budget
- Art. 12 - All Yes - \$10,000 for seed money for Community Action Program
- Art. 13 - All Yes - Senior Tax Rebate Program
- Art. 14 - All Yes - to pay late bill of \$103.00
- Art. 15 - All Yes - this \$49,000,000 was approved by ballot question and will be phased in over 10 years, not borrowed all at once. Mr. Lynch said there are 2 reasons to proceed like this: 1. for grant applications and 2. we have to have Town Meeting action come up with \$49mil within 45 days of the ballot vote. This money is exempt from our borrowing ceiling because it is exempt from 2 1/2. Mr. Lawlor added that we will not see a roll back in taxes but not an increase, either. Mr. Lynch said it will be a joint decision between Sewer Comm., BOS and Town Manager as to when and how to borrow. Town Counsel John Giorgio said that the last sentence in the article is catchall language.
- Art. 16 - All Yes - to approve library applying for grant
- Art. 17 - All Yes - Sidewalk Easements
- Art. 18 - All - Defer until after the discussion of Arts and Technology Fund. Ms. Gates asked if the Charter School is eligible and Town Counsel said they can apply if the School Committee chooses
- Arts. 19 - 25 - All - defer until after discussion
- Art. 26 - All Yes - drainage easement on Middlesex Street. Town needs to maintain drainage line.
- Art. 27 - to give BOS appointing powers. Mr. Dalton said it was a non-binding question on the ballot last year. Mr. Welch said there is no need to go against the charter.
Motion by SJG, seconded by SGW, to withdraw the article. Vote was 4 in favor, 1 opposed (WFD).
The vote was later reconsidered and it was voted not to withdraw, but that the BOS would not make a recommendation.
- Art. 28 - All to Not Recommend - civilian unit to patrol handicap parking spaces
- Art. 29 - All to Not Recommend - subject of Town Meeting Article
- Art. 30 - All to Not Recommend - to limit question and answer period at TM to 30 minutes. Mr. Dalton asked if we could incorporate the question period into

the debate period and Mr. Giorgio said Yes, if we do a by-law change.

Art. 31 - All Yes to recommend Street Acceptances but to hold on approval of those that Jim Pearson recommends.

At 7:25 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Town Meeting. Roll Call vote was as follows:

SJG-Aye; SGW-Aye; WFD-Aye; TJW-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Garte

Work Session of the Board of Selectmen held Thursday, June 6, 1996 at the Chelmsford Country Club. Members present were: Peter V. Lawlor, Susan J. Gates, William F. Dalton and Thomas J. Welch. Selectman Stuart Weisfeldt was absent due to a previous commitment. Town Manager Bernard Lynch was also present.

After a tour of the facility and grounds Chairman Lawlor called the meeting to order at 7:05 pm. Mr. Lawlor told the Board that St. Mary's Church is sponsoring bringing a group of children over from Chernoble to spend the summer in Chelmsford and he would like to ask the kids to a meeting and give them certificates.

Ms. Gates read the Olympic Relay Torch proclamation and presented it to Phyllis King who is Chelmsford's Community Hero and will carry the torch in Acton.

Mr. Lynch asked the BOS to vote on the Restricted Vendor areas for the July 4th Celebration. Motion by Ms. Gates, seconded by Mr. Dalton, unan. to approve the area according to the bylaw as shown on the map attached to Mr. Hedlund's request.

Mr. Lynch showed the Board a photo of the new police dog Chris, who was donated to the Town by D.J. Reardon and is trained to sniff out narcotics.

Mr. Lawlor said that we are going over the Manager's goals. The Board had suggested several goals and Mr. Welch had explained the Hoshin method. Mr. Lynch said he has tried to utilize those principles in his report to the Board.

Mr. Lynch then went over his FY97 goals with the Board. He read the Mission Statement and a 1996 Situation Statement. The 3 FY97 Goals are: Tax Relief, Regional Leadership and Technology Enhancement. He presented a goals and objectives matrix.

Under Tax Relief he said his goals are to conduct an impact analysis of the 5-year plan; retain tax levels in FY97 and FY98 to stabilize and try to reduce; and to promote economic development. He discussed various areas with the Board. Mr. Lawlor said he would like to add 3 items: - Enhance responsiveness of Assessors Office to reflect changes more quickly; - increase intra-Town sharing of resources and personnel and - outservice some Town services, i.e. Little League fields do their own maintenance. Mr. Lynch said these goals are already spelled out more specifically in the next few pages of his document.

Mr. Lawlor suggested that the Manager and his staff survey existing businesses in Town to see how pleased they are with different areas of services. Mr. Welch said we could lose a lot of big companies for no reason of ours - Microsystems, HP, etc. and said that people who own space have more vested interests. Mr. Lawlor said we need to make people more inclined to eat and shop in Town, concentrate on the retail business and Mr. Lynch said we have a retail problem due to our nearness to New Hampshire. Mr. Dalton asked him to report to the BOS on a regular basis about the meetings he has attended.

Under Regional Leadership Mr. Lynch said we need to bring the issue of widening Route 3 to a head at the State level and Ms. Gates said that looks like a Chet Atkins approach and said she has an article from the New York Times called induced demand - more highways mean more drivers.

Mr. Dalton asked what else has come up - does this help our problems on North Road and Rte. 129? Mr. Lynch answered him by saying that right now this is the only game in Town - he thinks the only solution to our problems is to widen Route 3.

Regional Partnership - Mr. Lynch said there are monthly meetings of the Towns involved and Mr. Lawlor said he would like to see parallel Board to Board approaches. Mr. Dalton asked about other opportunities like sharing DPW equipment and Mr. Lynch said since we have a basically a privatized Public Works Department we contract out most of our work - street sweeping, catch basin cleaning, drainage work, etc. We share Veterans Services with Westford.

Regional Developments - we are participating in the multi-jurisdictional and Westford review of the Graystone project and attending NMCOG Meetings. The BOS said we need to play a greater role and how can we do it. Mr. Lawlor suggested monitoring Town services and supplies - water, sewer, traffic impact, applying for grants. The Sewer Commission has an agreement with Tyngsboro which does not run contiguous to Graystone.

Technology - we have a staff committee working with Chelmsford On-line services to develop Home Page contents. A citizen committee would follow on the heels of that. We want to get E-mail addresses and accounts for each department and office.

We are creating a G.I.S. for Chelmsford. We studied one done in Arlington in 1989, a \$70K - \$80K system, very basic. We are still trying to nail down a dollar amount and could look for partners - utility companies, other communities. We will be going to a Windows environment by August 15 and try to eliminate paper transactions.

Mr. Lawlor asked about resident access to get assessing and taxing information - maybe we could charge? Mr. Lynch said he is concerned about how to deal with public records laws. Mr. Lawlor said we should have systems in place for the public to access easily, and should identify as a goal to have non-critical public records available by home computer.

Mr. Lynch then went over FY97 organization fundamentals - strategic planning, financial management - setting budgets, etc., communications and customer service. Mr. Lawlor asked about information dissemination - someone (or a kiosk) on the first floor to give information and let the people have a sense of what they need to do.

Mr. Lawlor asked if Mr. Lynch has enough input to fine tune this document, and Mr. Lynch said Yes, he needs to put some goals on FY97. Mr. Welch said that if you look at these goals with this approach we should be headed towards the goals.

Mr. Welch noted that Mr. Lynch didn't mention the Fire Dept. - we should add it as something we're satisfied with or how to improve it. The document says that the DPW, Community Services and Finance Department have all improved over the past 5 years. Mr. Lynch said that the Fire Dept. hasn't seen any dramatic improvements but they started at a higher level.

The Board next discussed their meeting schedule. Mr. Lawlor said we should periodically have Department Heads in to give the state of their department - how things work, using visual aids and stating their goals. This would help educate the public and Mr. Welch said it is a great opportunity for department heads to get recognition for their department. Ms. Gates commented that the Cable TV access will start covering a meeting once a month to show what different Boards and Commissions do.

Mr. Lawlor asked that the Town Manager's staff help department heads - have standard questions and offerings and let them know it's a friendly environment. Mr. Lynch pointed out how he has integrated some of these reports into the schedule.

Meeting style and format - Mr. Lawlor said he has tried to make the meetings move more quickly and has he been too pushy. Ms. Gates said that some discussions could be saved for Work Sessions. Mr. Welch said he thought the meetings have been going well - it is up to the Chairman to say when it is time to move on and Mr. Lawlor has done that. We have to have some formality in what we do.

Mr. Dalton requested to have another Open Session in the middle of the meeting so people could speak on issues that have been discussed. Mr. Lawlor said that is a matter that he hadn't been aware of. Mr. Lawlor said that he as Chairman has been pleased with BOS discussions - they have been civil and respectful.

The office will FAX the agenda to Cable 43 on Thursdays, highlighting the scheduled business.

Mr. Lawlor asked if members have special interests and Ms. Gates said the boathouse at Varney Field and Mr. Dalton double poles. We could utilize Work Sessions to bring up other ideas.

Mr. Dalton asked about Vinal Square and Mr. Lynch said this is not a closed chapter - the problem yesterday was with the police detail. The lights are working better but still cause problems, and we want to talk to the State about shifting lines of traffic over. The pedestrian lights and crosswalks need a lot more work.

Mr. Lawlor talked about the areas from the boat ramp along the river - he would like to see a walking and bike path there. He wants Mr. Lynch to get a boat to take the BOS and Jim Pearson, probably the police boat.

Mr. Lawlor would like to see an arboretum with wildflowers, etc. similar to Acton at Southwell Field. He will do more work on these ideas.

Licensing Procedures - Mr. Lawlor said that under the statute we have wide-ranging powers. Sometimes an applicant or location is not appropriate or an applicant has had no experience and we previously have voted not to license. We need to provide objective standards to applicants.

He asked to have the BOS look at the number of licenses we are allowed and the number we have issued. He feels that in the future there will be fewer and fewer "Mom & Pop" stores but larger stores more like a Kappy's. We couldn't turn down a store because it is too big.

Ms. Gates said she would support freezing the number of package stores but not restaurants - people have called her on this issue.

Mr. Lawlor asked if there is any interest on the Board to set up standards by which we can judge. He asked the Manager's office to call other Towns, i.e. Winchester to see if they have objective standards that they employ - proximity to other establishments, training of employees, etc. He asked the Town Manager to recommend what these criteria should be.

Ms. Gates said we should be thinking about having a zoning by-law to state areas where cellular towers, etc. can be located. There is now no limitation by State statute or federal law. We should choose Town-owned land, similar to the Adult Entertainment zones.

Mr. Lawlor said that we need a rep on the Adult Entertainment Sub-committee of the Planning Board to take Bob Joyce's place. Ms. Gates said she would do it if DR. Weisfeldt can't.

Mr. Dalton asked about the roof on the Old Town Hall - there is a big hole. Mr. Lynch said it is not leaking but we are looking into patching it.

Mr. Dalton said there is a woman feeding Canadian geese on Shedd Lane. He also asked that the Town Manager's weekly schedule be Faxed to him.

Mr. Welch said that this is his last meeting for at least 2 months, and hoped we could set up a phone link for the August meeting. Mr. Lynch will check into the legality of phone votes.

At 9:30 pm motion by Ms. Gates, seconded by Mr. Dalton, unan. to adjourn.

For the Board of Selectmen, by

Jack E. Carter

Regular meeting of the Board of Selectmen held Monday, May 20, 1996. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Due to illness Selectman Thomas J. Welch participated in the meeting via speaker phone. Town Manager Bernard Lynch was also present.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, 5 in favor, to proclaim Monday, May 27, 1996 as Memorial Day in the Town of Chelmsford. Ms. Gates read the proclamation.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim May 19 - May 26, 1996 as Chelmsford Historic Preservation Week. Ms. Gates read the proclamation, which was accepted by Peggy Dunn, Chairman of the Historic District Commission.

Ms. Dunn said her commission is presenting a certificate for signage to Hall and Finnegan on Billerica Road, and another certificate for structure and setting will be done in a few months.

She showed the BOS a Girl Scout Gold project, a rubbing of gravestones in Forefather's Cemetery and said we now have 25 to be presented to the Town and hope to have many more to eventually be kept in the Town Hall. Ms. Dunn added that an Eagle Scout is doing renovations of the Toll House on the common. She thanked the BOS for having the Old Town Hall painted, and thanked Jack Handley for restoring the Mill House.

Cemetery Director John Sousa said that Girl Scout Jackie Brodie did the 25 gravestone rubbings and they want to display them at the Library or Town Offices. Mr. Sousa said that the Cemetery Department is making sure that all 6 cemeteries will be in good shape for Memorial Day.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim May 19 - May 25 as National Emergency Services Week. Ms. Gates read the proclamation, which was accepted by Sandy Donovan. Trinity Ambulance President John Chemaly was also present and thanked all the EMT's in the Police and Fire Depts. and also in Trinity. Ms. Donovan talked about the shows to be presented on Cable 43 this week and said that we have an outstanding EMS system in Chelmsford because they all work together.

Bill Griffin, 132 Tyngsboro Road, said a member of his family had occasion to use the system last Friday and can't doubt the quality of care. He named the people who responded, and Mr. Lynch said there is a tremendous sense of teamwork and our system is second to none.

Jeff Stallard, 77 Tyngsboro Road, handed out the Memorial Day schedule of events and asked the BOS and Town Manager to participate in the ceremony at the Veterans' Memorial Park on Sunday and to march in the Parade in North Chelmsford on Monday. Mr. Welch said that a few weeks ago Mr. Stallard was concerned about the conditions for the parade and is the Square OK now. Mr. Stallard said it is better for marching than driving.

Mr. Stallard then discussed the traffic lights in Vinal Square and said he can't

repeat some of the comments made to him by residents about the traffic flow, or lack thereof. We are now back to flashing lights. Mr. Stallard said the situation was intolerable and it was not just the lights in the cycle but the way the traffic lines are painted on the square - you can't get over to some of the businesses.

Peter Ricciardi, Vinal Square businessowner, said that a committee was formed two years ago to discuss the traffic situation in the Square with the State. They put up overhead flashing yellow lights and also had the pedestrian lights overhead. He gave the chronology of the events and said the crossing lights still don't work right. He has never seen so many people as passionate about an issue in Vinal Square in his 29 years there. He submitted a petition with over 500 signatures gathered since Friday stating that the Town needs to talk to the State re the lights.

Town Manager Lynch then gave his report and he has told the State that we have problems and even though the State has jurisdiction over the lights we turned them off today. He said that it is a two-fold problem - that the timing is not right, the lights are backwards, and there is a loop detector problem - it's not working. There will be a meeting with the State tomorrow and he will call Mr. Ricciardi in the morning to make sure we get all the concerns. Dr. Weisfeldt commented that he had received several calls re this situation and Mr. Lynch said both the Police and DPW are working on this.

Jeff Stallard said there are 1-hour parking signs in front of Szechuan Chef, which should be 2-hour, and Mr. Dalton said he thought the State knew they shouldn't touch the parking signs.

John Harrington, Chelmsford Business Association, said we've received complaints from the business community in North Chelmsford and the State seems to be changing our committee's recommendations. We have spent \$18,000 for a study in Central Square, and now have a good plan and hope the same thing doesn't happen.

He asked what happened to the Bruce Freeman Bike Path. Ms. Gates said she has been talking to Beverly Woods from NMCOG and State Rep. Carol Cleven. They are waiting for the State to choose a designer from the already approved State list because they have to have a designer first. Ms. Cleven will contact James Carosiotis, EOTC Secretary and try to get the funds released.

Mr. Lynch said he also has been talking with NMCOG and has been working on the trail since 1984. The problem is with State finances. Ms. Gates added that we can't have the hearing until we have the designs.

Ralph Hickey, ADA Coordinator, talked about Vinal Square at a seminar, and said that the sidewalks and curb cuts are wrong.

Bill Quinn asked if the meeting with the State and Highway tomorrow is a one-shot deal and Mr. Lynch said No. Residents should address their concerns to the Town Manager's Office.

Bill Burns, Manager of the Banqueteer, was present at the Board's request to discuss his alcoholic license. Mr. Lawlor told the history of the request, noting that we are trying to get all businesses ADA compliant and gave Mr. Burns a 6 month waiver since his property was going to be torn down. Mr. Burns told the Board

that he has contracted to have the work done and has met with Ralph Hickey and addressed all issues. Mr. Hickey said there is very little work to be done if he follows his timetable. The Board will vote to extend Mr. Burns' license for the balance of the year at the June 17th meeting if Mr. Hickey reports that all the work has been completed.

Barb Scavezze and Norm Eisenman of the Chelmsford Recycling Committee were present to give a report on the Chelmsford Town-wide Cleanup Day on April 27. Mr. Lawlor said that on behalf of the BOS he is saying a very strong Thank You to Barb and the Committee. Ms. Scavezze gave a re-cap of the day: most children got gift certificates for ice cream, over 300 persons participated, they had a control center this year and picked up over 1,000 bags of trash and litter. Ms. Gates read a list of all the contributors and presented Certificates of Appreciation.

No one was present for the transfer of the Class II Auto Dealer's license at 123 Princeton Street.

Mike Marshall, Exalted Ruler, and George Husson, House Manager, of the Chelmsford Elks said they want to install 2 video machines which will be located in the Grill Room. Mr. Dalton asked if there is any compensation if one wins and Mr. Marshall said there is no monetary payoff. Mr. Lynch said we have had problems with poker games in the past, and Mr. Lawlor asked if they will voluntarily agree that there will be no cash payments.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the licenses for two Automatic Amusement devices as outlined in the applications and the Elks voluntarily agree that there will be no cash payments for these devices.

Attorney Joseph B. Shanahan, Jr. was present representing Stonegate Development Corp. who have purchased a site on Drum Hill Road between the Mai Kai Plaza and Burger King. This is a site with 350 foot frontage and was a hazardous waste site which has now been declared clean. They are proposing to put a 26,000 sq. ft. Sears Hardware store on the 6+ acre site. As part of the Planning Board review process we had to hire an engineer - McCullough and Sully, Inc. to devise a new traffic pattern and we reimbursed the Town to hire SEA as consultant. The major change recommended by both consultants was to add a third lane to Drum Hill Road by extending the center lane from Wesley Street towards the Rotary. Any improvements to the Public Way will be at his client's expense. Town Engineer Jim Pearson endorses the proposal and Mr. Shanahan asked the BOS to give the project the go-ahead.

Mr. Dalton asked how many hearings has the Planning Board had and Mr. Shanahan told him 6, with no opposition. Ms. Gates said she recommends, and Mr. Welch said he has a copy of the plan and also approves. Mr. Lawlor asked if all the work is within the public way and Mr. Shanahan said yes. Mr. Lawlor said he knows how much expense and effort it took to clean up that site.

Mr. Pearson commented that we've already received the State Highway permit and are recommending restricted turns. This work has to be done before construction is completed.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the plan entitled: Howe Engineering & Surveying Associates, Drum Hill Road, Chelmsford Center revised through May 15, 1996.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the minutes of: April 29, May 2 and May 6, 1996.

Under Town Manager Reports, Mr. Lynch said that the matter of space needs at the Police Dept. is being addressed but the architect couldn't make tonight's meeting so a presentation will be made at the June 17th meeting.

He reported that the moves within the Town Office building have been pretty much completed and we are putting up new directories. The response from the departments and the public has been generally positive. Mr. Lynch said he wants to recognize the efforts of Ted Godfroy, Bldg. Supt. who has coordinated the move and done much of the work himself.

Mr. Lynch said that the Olympic Torch Relay is coming through Chelmsford on June 15 and he asked interested groups to contact Marian Currier. They will be at the Drum Hill Rotary at 6:15 am and Central Square at 6:25 am. We are hoping for interested groups to greet the person carrying the torch with signs, and have bands, etc.

He reported that the Chelmsford Country Club is open and work is ongoing. They plan to have a grand opening in June.

Mr. Lynch said that there are some openings for appointments to various committees: Historic District, Conservation, Historic, Board of Appeals, CH.60 Arts and Technology Fund - Evelyn Thoren has volunteered for this committee; and the Community Action Program, which will work on community improvement efforts. People interested in any of these committees should contact his office. He is hoping to make the annual appointments at the June 17th meeting and the openings will be advertised on Cable 43 and through Press Releases.

Mr. Lawlor commented that the Community Newsletter again is very well put together and it is amazing the number of programs that the Recreation Department is offering. He asked that Holly Rice be invited to the next meeting to report on the attendance at various programs and programs to be offered at the Old Town Hall.

Under Unscheduled Business,

1. Street Acceptances: motion by Ms. Gates, seconded by Dr. Weisfeldt. unan. that the BOS accept the following streets that were accepted at Town Meeting: Brittany Lane, Old Farm Way and Somerset Place.

2. Motion by Ms. Gates. seconded by Dr. Weisfeldt, unan. to approve a 1-day Auctioneer's license for International Oriental Rug Auctioneers for June 29th.

3. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve two 1-day Beer and Wine licenses for St. Vartanantz Armenian Church for June 16 and June 23, 1996.

4. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve a 1-day Auctioneer's license for Ronald V. Maynard\James R. Brayner to auction antiques at the Elks on May 23rd.

Under Selectmen Referrals Mr. Welch said that as representative to the Middlesex County Advisory Board he has received notice that they are working on a Charter for Middlesex County as a bill in the State legislature. This would be only the 3rd county in the State to be chartered and they are asking that the 54 Towns in Middlesex County to write a letter of recommendation in support of this charter. He will get copies of the correspondence to each Selectman and vote at the June 17th meeting. This Charter would allow the County to control its own budget.

Ms. Gates said that she has several referral items:

1. Rep. Carol Cleven has asked her to read a notice re a meeting on Health Care for Uninsured Children. The meeting is May 23 at the Senior Center and will discuss a Children's Medical Insurance Plan.
 2. Ms. Gates announced that the AIDS pledge walk will take place on Sunday, June 2, and told people how to sign up as sponsors.
 3. Ms. Gates showed a plan drawn by Architect Brian Bolanger for the Varney Park Boathouse Renovations and said they are looking for public support, like Friendship Park. They would add a deck, a ramp and handicapped bathrooms, and a renovated snack bar. Mr. Lynch said this is part of an effort to improve the whole Varney Park area which is a real recreational asset.
 4. Ms. Gates said she has had calls about a letter anonymously put into mailboxes on Pine Hill Road saying that they wouldn't be getting sewers. She told people not to believe that letter. Mr. Dalton added that these letters were also put on Brentwood and Locke Roads and Emerson told him that there would be a draft plan of future sewerage in the next couple of weeks.
- Dr. Weisfeldt said to Ms. Gates that he has heard negative reports re Varney Playground, that it attracts unsavory youngsters. Mr. Lynch said that Billerica prisoners have taken the graffiti off the building, and Ms. Gates said that if the building is improved and not derelict it would attract a better type. She also said that they are looking into a better alarm system and lighting. The Police Chief says that renovating the building will cut down on the number of undesirables.

Dr. Weisfeldt reported that he has been asked about Vinal Square and also the proposed Bike Path.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. that the Board write to Carol Cleven requesting that the Bike Path become a priority issue with the E.O.C.T.

Mr. Dalton said that Bill Griffin showed him a piece of railroad track that he had picked up by Meadowbrook. Mr. Lynch said that we have written to the B & M

Railroad and the National Safety Board re matters on the Stoney Brook line. He said that he has had reports about an auto repair business off Parkhurst Road doing poor work on vehicles and is there anything we can do. Mr. Lawlor suggested asking the Attorney General's office if there is any action they could take. Mr. Dalton asked if all Town vehicles have the new "old" seals and said that he would like to have a policy that all Town Vehicles shall be marked with the Town Seal except unmarked cruisers.

Mr. Welch asked that another letter be sent to Caldor's re their containers and also that coming up Route 3 to the Rotary the upramp is a disgrace, and how can we get it cleaned up.

Mr. Lynch said it was his understanding that the containers at Caldor's were gone, but Mr. Welch said there were still a lot of them there two days ago. Mr. Lynch said we have asked the manager to cooperate and when he asked for an extension we said No. He said we're looking into the messy areas and may have the prisoners clean them up. Mr. Lynch will look into both matters again tomorrow.

Mr. Lawlor reported that the pretty plantings in front of the Town Offices and the Adams Library were done by the Chelmsford Garden Club. He encouraged people to support the Club's fundraising activities by buying tickets for their House Tour.

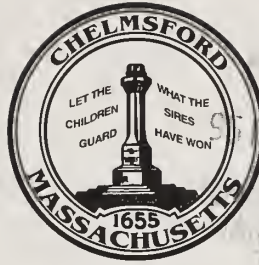
Nicole Gauthier introduced herself as the new reporter from the Chelmsford Independent.

At 9:10 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to go into Executive Session to discuss collective bargaining, litigation and the purchase of real property.

Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye; TJW-Aye and PVL-Aye.

For the Board of Selectmen, by

Julio E. Carter



RECEIVED
MAY 22 PM 2:56

**BOARD OF SELECTMEN
TOWN OFFICES
50 BILLERICA ROAD**

CHELMSFORD, MASS. 01824-2777

TEL. (508) 250-5201 FAX: (508) 250-5252

PETER V. LAWLOR Chairman
SUSAN J. GATES, Vice Chairman
STUART G. WEISFELDT, Clerk

WILLIAM F. DALTON
THOMAS J. WELCH

MEMORANDUM

To: ✓ Town Clerk
Board of Assessors
Planning Board

From: Judy Carter, Adm. Asst. jec

Subject: Street Acceptances

Date: May 22, 1996

This is to advise you that, as recommended by the Town Engineer, the Board of Selectmen voted to accept the following streets as Public Ways in the Town of Chelmsford at their meeting on May 20, 1996:

- Brittany Lane
- Old Farm Way (see 6/3/96)
- Somerset Place

These streets were also accepted by the Spring, 1996 Annual Town Meeting.

jec
cc: Town Engineer

Regular meeting of the Board of Selectmen held Monday, May 6, 1996 at 7:00 pm at the Senior Center. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt, William F. Dalton and Thomas J. Welch. Town Manager Bernard Lynch was also present.

Mr. Lawlor called the meeting to order at 7:05 pm, and said that since the Board is not meeting again until May 20 he would like to have a Work Session re the Town Manager's goals and also alcoholic beverage licensing, that there is no stated criteria and we should adopt something re number of issued licenses, etc.

Mr. Lawlor said that the Memorial Day Parade is being held in North Chelmsford and since the City of Lowell is not having a Parade we should call and ask if they would like to participate in ours.

Mr. Lawlor also said that since we are moving offices around in the Town Offices we should have new signage. Mr. Lynch said we are working on this now.

Planning Board Chairman Kim McKenzie was present and Mr. Lawlor asked him about the timing issue on their articles - why are they being addressed in advance of the Master Plan.

Mr. McKenzie said the articles involve parking spaces - they want to decrease space in industrial/commercial zones and increase in the restaurant zoned areas by 20 - 25%. They want to do this before the Master Plan is completed because it is too late after restaurants come in. Redesignating the term for Cluster Zoning is simply a terminology change.

Town Moderator Dennis McHugh arrived at 7:15 and called to order the meeting to appoint an alternate to the Nashoba Valley Technical High School District. He noted that all 5 members of the School Committee are also present.

Mr. McHugh asked for nominations for the alternate position.

Motion by Mr. Lawlor, seconded by Dr. Weisfeldt, to nominate Samuel Poulten.

Motion by Judy Mallette, seconded by Mary Frantz, to nominate Peter Bagni.

Nominations were closed.

Voting for Mr. Poulten were: Mr. Lawlor, Mr. Dalton, Dr. Weisfeldt, Mr. Welch and School Committee members Tony Volpe and Angie Taranto.

Voting for Mr. Bagni were: Ms. Gates and School Committee members Frantz, Mallette, and Wendy Marcks.

Mr. Poulten is the appointed alternate.

Mr. McHugh adjourned the meeting at 7:20 pm.

The Board then went over recommendations on Warrant Articles.

#19 - renaming Cluster Zoning - Ms. Gates recommended approving. She said that in general she is not pleased that they came before us with little zoning articles when we gave them \$50,000 for a Master Plan consultant. There is no apparent immediate need to do this and she has a problem with these articles in general.

Art. 20 - Mr. Lawlor had asked Mr. Lynch to get DPW Director Pearson's input on this.

Mr. Lynch said that Mr. Pearson feels that all the articles are in the right direction

for the Town except he is concerned with #21 - restaurant parking and #25 - lot frontage definition. Mr. McKenzie said with sewerage more and more land is becoming developable and the Planning Board is trying to keep ahead and make it more difficult to develop lots.

Mr. Dalton asked if this would grandfather current restaurants parking areas and both Mr. Lawlor and Town Counsel John Giorgio said they would be grandfathered in use if they wanted to sell - if they wanted to expand they would have to go to the Board of Appeals.

Mr. Dalton said he doesn't understand the loading area article - this could eliminate the extra parking area.

Mr. Lawlor asked the BOS to support #'s 21 and 23 and all said OK. We don't support lessening parking requirements in IA zones - #22.

Mr. Lynch said again that Mr. Pearson supports all the articles except restaurants and lot frontage.

The Board will recommend Articles 19, 21 and 23, and not 20 and 22.

Art. 25 re frontage - Ms. Gates asked Attorney Giorgio how does he feel about this article, and he said if this passes it may make lots undevelopable, and Mr. Dalton said this may be a question of public safety. Mr. Lynch said we are talking marginal pieces of land. The Board will decide on Art. 25 later.

At 7:30 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adjourn to Town Meeting.

For the Board of Selectmen, by

J. J. E. Carter

95 AUG 20 PM 4:39

Regular meeting of the Board of Selectmen held Monday June 17, 1996. Members present were; Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Due to illness Selectman Thomas J. Welch took part in the meeting via speaker phone. Town Manager Bernard Lynch was also present.

Selectman Gates presented Certificates of Appreciation to 7 Girls Scouts of Troop 806 who have received their Gold Awards.

Ms. Gates presented a Certificate of Appreciation to Lynn LeMaire, who resigned from the Conservation Commission after serving for 4 years.

Ms. Gates presented Certificates of Appreciation to Nancy Vinkels for a 2 year term on the Cultural Council and to Kit Harbison for dedicated service to the Cultural Council for 4 years and to the community at large. Ms. Harbison thanked Board members and recognized Pat Pestana, Pat Fitzpatrick and Jean McCaffrey, Council members.

During the Open Session Richard DeFreitas, 17 Carter Drive and former Selectman, said that he believes the widening of Route 3 is the problem of Chelmsford and the other abutting Towns and wants to send a message to the State House that we're tired of waiting. Mr. DeFreitas endorses Chet Atkins preparing and presenting a privatization plan and then we can review and see if we support it. It needs enthusiastic support. Mr. Lawlor told him that we shortly have to make the decision as to whether or not to endorse, and Mr. DeFreitas said if we bring it out in the open the state may take notice. He understands that it's a total private enterprise. Mr. Lawlor asked if Mr. DeFreitas would be able to assist the BOS and he said Yes.

Berna Finley, 53 Park Road, said she had read that Mr. Lawlor suggests that the number of liquor licenses in Town be limited and she feels it would be smart to limit them in residential areas. She said that he didn't address the issue of the Town selling liquor and said that there has been a suit allowed against the Norwood Country Club - a teenager drank too much at a wedding and was killed. She feels this is not just an issue for Park Road residents but for the whole Town, since we have youth programs at the club.

Mr. Lawlor said if the whole neighborhood got the impression that we disregarded the neighbors questions and issues, that sometimes the Board thrashed matters about but not on television. Re liability with the Town owning an establishment that sells alcohol, the Town does not own the license but Sterling Golf Management holds it. If that happened the Town would be liable but the licensee has to cover us under their policy. There are tort limitations on the Town. He added that the Board will be discussing the entertainment license later tonight.

Ms. Finley said her concern is the liquor license and the example it sets for the kids in Town. She would be concerned if her kids were taking part in golf at the Country Club - the neighbors try to maintain a decorous neighborhood. Mr. Dalton asked if there are still problems now and she said she lives across the street and has personally had no problems. Mr. Dalton said he thinks the Town has acted responsibly - the employees have to go through the TIPS program. Ms. Gates said that the only alcohol served is upstairs in the bar, not the snack bar, so youths

wouldn't be involved. Mr. Welch asked about signs , i.e., "No one under 18 allowed in this area". Mr. Lynch said we may get some signs from the ABCC that would be helpful.

Jeff Stallard, 77 Tyngsboro Road, said that at 7:00 pm tomorrow there is an open meeting at the Senior Center, Groton Road re the Vinal Square problems.

Walter Hedlund, CH of Town Celebrations, said that this is the 29th year of the July 4th celebration and asked the BOS and the Town Manager to participate in the parade on the 4th.

He reminded residents to please send their chance money back to the Elks and thanked the BOS for passing Art. 23 on May 8, 1995 which provides for Restricted Vendor Areas. He told Mr. Welch that he hoped he could participate and Mr. Welch said he will be here in spirit, not in person.

Mr. Hedlund reminded the public that there should be no lawn chairs placed along the route until after 9 pm on July 3rd.

Mr. Lawlor thanked Mr. Hedlund for his help with the Olympic Torch Parade and Mr. Hedlund said it is a tribute to the Town that so many people turned out, especially children.

Ralph Hickey, ADA Coordinator, said he had an update meeting on Vinal Square with the State Highway Dept. and he told them the sidewalks were wrong and they have tried to correct them. Some near the beauty parlor are still wrong and have to be corrected.

Under Town Manager Reports Mr. Lynch said that lack of space at the Police station has been a problem for the last 10 years and they engaged Rebanks Associates to assess the situation.

Leslie Rebanks spoke, stating that they are specialists in police facilities and have done over 50 in North America.

The questions asked were: do we need a new Police Station; what size to last at least 25 years; at what cost and where to be located.

Mr. Rebanks said he is appalled at how this station really works and amazed at the dedication of the officers who work there. He gave Rebanks suggestions: increased police/public interaction over the next 20 years will need community rooms.

Security and privacy are a concern. The existing building is totally unsuitable and it would be difficult to use the existing building as a core for a new building. The department will need 93 total staff eventually and Rebanks is proposing a footprint of 21,000 sq. ft. with the present building to be used for vehicle storage. They recommend keeping the police building on the existing site, and would build the new building and then gut the old for storage. The total project would cost between \$3 mil and \$3.3 mil at \$107 per square foot and the Caron JaJuga Act could mean some State money.

Mr. Dalton said that Tewksbury has a new building which is massive - 3 story wooden framed building. Mr. Lynch said that the square foot cost is in the right ballpark but there has been no final decision made - there is a need for a new building and now we have a plan. Chief Caron said that they are planning a total of 12 cells as we have now.

Ms. Gates said that what has been done is a needs assessment and Mr. Welch asked if this will meet our needs over 25 years. Mr. Lynch said Yes and Mr. Welch asked him to start looking for money at the federal level. Mr. Lynch told him that the Caron/JaJuga bill is a State bill, to be funded by insurance companies but the bill hasn't made it very far in the legislature. Mr. Welch said we should put pressure on our state reps and senators to stay on top of things and move aggressively for the Town with the projects we have - library, police stations and school projects.

The Board then asked questions of Chief Caron, who said that any evidence collected is secure, in a cement block room, bar coded and alarmed. The biggest problem is trying to interview people - in the Criminal Bureau 8 people are sharing a desk. We have security but no privacy for interviews.

Mr. Lawlor asked if we could share space with surrounding Towns - he understands that Westford is looking for a new facility. Chief Caron said that Westford is much further along than we are and about the only thing we could share would be jail space. We would have to increase the number of cells and a non-secured room for minor crimes. That's about the only way we could share with other Towns, and that would mean a larger building and we should have civilian jailkeepers in this case. He said that we would utilize the back of the cement block building for mechanical maintenance. Mr. Lynch said we are looking at a number of issues with this proposal - asking Fall Annual Town Meeting to fund the architectural plans and working with the Chief and the Finance Director.

Jack Read, Silicon Transistor Corp. 23 Katrina Road, was present requesting a change in their fuel storage license - transfer of ownership from BBF Realty to Silicon Transistor Corp. and an increase in capacity from 49,000 cu.ft. to 100,000 cu. ft. of compressed gas. Fire Chief Parow and Fire Safety Officer Mike Burke have both approved this application. Mr. Lawlor said we are talking about hydrogen and asked about their fire suppression system. Mr. Read said there is one inside the building but the outside storage is more than 50 feet from any building. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the transfer of the fuel storage license at 23 Katrina Road from BBF Realty to Silicon Transistor and increase the capacity to 100,000 gallons.

Laurence and Iris Larssen were present with an application for a transfer of the fuel storage license at 8 Emerson Avenue which they have recently purchased from the Marchands There was a tank testing in March, 1996 and all is tight - the groundwater and burnings are clean and there are 3 monitoring wells. This is the former Colonial Oil Company, down behind Dunkin Donuts. The Fire Chief has approved the application and the business is basically the same - diesel, #2 fuel oil and kerosene. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the transfer of the fuel storage license at 8 Emerson Avenue from Colonial Oil to the Larssens.

The Board then held a Public Hearing on the application of F.L.C. Inc. d/b/a Westland Package Store, 229 Chelmsford Street for a transfer of the Wine and Malt Beverages Retail Package Store license. Attorney Jeff Quinn represented F.L.C. Inc. and its President Thomas Murtagh. The current owners of ELESOCO

are Bill and Judy Boland and Mr. Murtagh said that he has worked with Mr. Boland for the last 4 years part-time at his two liquor stores and the past 6 months has been working fulltime. He supervises 4 employees and he and one employee have completed the TAM alcohol management course. Ms. Gates noted that the Police Chief has recommended that all employees complete this course. Mr. Welch asked if the property had been transferred and Mr. Lawlor told him No, that the premises are leased from Harold Lerer.

Mr. Lawlor said it is the normal practice of the Board to wait to vote on any liquor application until their next meeting and said we could vote on Tuesday, June 25th when we have a short meeting at noon. He added that the store has enjoyed an excellent reputation that no minors are allowed to buy. We welcome new businesses in Town, and our patience is good as long as the law is followed.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to table the vote on this until June 25th. Mr. Lawlor told Mr. Murtagh that he is welcome to attend, but it is not necessary.

At 8:40 pm the Board took a 5-minute recess.

Chet Atkins, former 5th District Congressman, then addressed the Board, stating that 6 weeks ago a group of companies became interested in the environmental impact statement on widening Route 3 North. The State says it can't do any funding until the year 2008 - any engineering, traffic impact, highway design. The group of companies felt that this would be a severe hardship on the 7 communities adjoining Route 3 and have begun discussions with the Lowell Planning Board and Town Managers and the 6 Boards of Selectmen. The project is called the Route 3 North Privatization Study.

Mr. Atkins continued that the goals of the project are:

to guarantee that construction would begin within 2 years; guarantee that no resident of a corridor community would pay bills; assure additional local aid to meet community needs and to assure a high level of traffic management which would reduce, if not eliminate, diversion of traffic to local streets.

He said he is not asking support of the total concept but support of a 7 month study, to involve citizen participation, Town boards and to allow the group of 7 communities to look at regional concerns. This would also focus attention from State and Federal governments on Route 3. He now has the vote from 5 of the 6 Towns and will approach the City of Lowell soon. We are asking to set aside \$100,000 of State Highway Funds for this study.

Mr. Welch asked about any costs to the Towns and Mr. Atkins said only to have them sit through a number of meetings. He said that the group has looked at a number of this type of project around the country and have talked with prospective employees, all involved in highway and engineering technology. All residents would have a transponder for identification in their vehicles, and employers may provide them for their employees.

Ms. Gates asked about studies with other communities and Mr. Atkins said they have looked at Route 212 in Minnesota, and similar projects in California, Florida and Texas. He said that the federal government is aggressively pushing in this direction, and employers along Route 3 have a high concentration of networking systems and software.

Dr. Weisfeldt asked if this will help eliminate traffic in our Center and along our roads and Mr. Atkins said if we can eliminate congestion problems people will get back on the highways even if they have to pay tolls. If you have your own traffic studies done that say it won't work than this is not a good project. Preliminary studies show that Route 3 needs 1 more lane north and 1 more south, or 2 reversible lanes in the center. The ultimate judgment lies with the community.

Ms. Gates said she has a few questions:

1. The \$100,000 funding for the study - from the State? Mr. Atkins said that would be technical assistance for local communities. The state has spent over \$5 mil in studies and the participating companies would invest app. \$2 mil in the 7 month study. The lead company is a large engineering and design company and there are at least 6 others. He added that some projects around the country have failed but others appear quite successful. Success means support from corridor communities and a broad consensus is that it needs at least 65% overwhelming support. He added that we're looking at a toll road and if the Town decides after one month that they doubt it would work let them know. Even if the Town decides it's not viable we still have put the emphasis on Route 3.

Mr. Atkins said that the State's estimate of the total cost is \$150,000,000 and they would put in 60% which would go to the communities as local aid. The revenue would come from tolls and passes bought by companies, telecommunications system and new development along the highway to get a broader property tax base.

2. Ms. Gates asked why 60% from the State and Mr. Atkins said that's equity - the State has neglected the Northeast corridor. He added that the State funds will go to 100% to the communities and that gives us what we've been shortchanged over the past years.

Mr. Welch said that what this proposal asks - if we become part of the partnership we're asking the State for only 60% of what it would cost them. We would be partners and can tell the State that we can solve the problem for only 60% of what it would cost them.

Mr. Dalton said that we're taking the problem off the State's back, it's being taken over by privatization. Mr. Atkins said that we're trying to get 7 communities together to study this project. At least we'll get focus on Route 3 and what each community wants, and of course there will be trade-offs. Ms. Gates said she is skeptical but will endorse it.

Mr. Lynch recommends that the Board endorse the project to file legislation to seek \$100,000 - Route 3 has been a problem for years. This is a different approach, and the communities are working well together.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, unan. that the Board supports Mr. Atkins' proposal to file legislation for \$100,000 to do a study of Route 3 North.

Mr. Welch said he hopes it gets support and commends the people who have brought it forward. This initiative has some valuable benefits to it.

The All Alcoholic Common Victualer license issued to the Banqueter, 225 Littleton Road, was discussed. Mr. Lawlor said that the Board had voted a 6-month

license to him in December until he was ADA compliant. Manager Bill Burns was present and said that he has the ramp, the railings and the bathroom is 90% complete except for bars, napkin holders and soap dispensers. ADA Coordinator Ralph Hickey said he has checked and the ramp is shorter than first agreed on, although it is legal and he needs to move one railing and get another. When he went there no work was started on the bathroom and Mr. Burns said one week. Mr. Hickey will check again next week.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to extend the All Alcoholic license through Dec. 31, 1996 provided that ADA requirements are completed within one month.

Under Town Manager Reports Recreation Coordinator Holly Rice reported on the new Recreation programs. Ms. Rice showed slides and reported on new programs started in 1996, ideas for future programs and a chart showing participation since 1993 - a large increase in the number taking part in various programs.

Mr. Welch said he compliments Holly and the people working with her, saying she has done a tremendous job with the quality of the programs. He questioned the out-of-state sponsored trips - asking if we are utilizing local travel agencies. Ms. Rice said she goes right to the tour companies and doesn't go through travel agencies because they use the same tour companies. Mr. Lynch added that we sponsor trips on a multi-community level. Mr. Welch asked if she could, to please provide opportunities to local agencies and Ms. Rice said she will do so.

Ms. Gates congratulated Ms. Rice and Dr. Weisfeldt said she is doing a tremendous job.

Mr. Lawlor asked if there has been corresponding growth in participation in the programs and Ms. Rice said the adult community has really responded. Mr. Lawlor said he is really pleased with the newsletter and the work Ms. Rice has done.

Ms. Rice told the Board that she works with the Town of Westford and the Roudenbush Community Center and this helps to prevent any possible cancellation of programs. Mr. Lynch added that when he was first appointed Town Manager a goal of his and the Board's was to strengthen community service programs. He said that Ms. Rice has done an excellent job and the Recreation Commission has been very supportive.

Dr. Weisfeldt asked about golf for youth - is there any chance of adding another class. Mr. Lynch said the Chelmsford Country Club is underwriting these programs and they're setting up smaller groups.

Under Town Manager Reports Mr. Lynch said that Saturday, June 29 is the official opening day for the Chelmsford Golf Course. There is a golf tournament with a \$30 entry fee and he is urging all residents to go out and look around.

He reported that there is a meeting on Vinal Square tomorrow night at the Senior Center. He, Jim Pearson and Police Chief Caron have spoken to the State, and there are still issues to be addressed. He is asking for community input. Mr. Lawlor said he is planning to attend.

Mr. Lynch reported on the Olympic Torch Relay, noting that Phyllis King, our Community Hero, made notice of the terrific turnout in a Town the size of

Chelmsford, and that the crowds were near the size of the 4th of July Parade. He thanked people and organizations who participated, in Vinal Square, McCarthy Middle School and in the Center. He thanked the Relay Committee, and especially Marian Currier, and said that the turnout exceeded everyone's expectations.

Mr. Lawlor recognized Mark Pelchat, speed skater and Olympic hopeful and thanked Jeff Stallard for handing out Olympic pins.

Mr. Lynch will make his Annual Appointments at the Board's meeting on Tuesday, June 25th, at noon.

Under Contract Awards Mr. Lynch has awarded the bid for the Dalton Road Reconstruction project to the low bidder Barden Trimount of Saugus in the amount of \$457,000. They would negotiate a change order for cement sidewalks. The reconstruction is from Stedman Street to Chelmsford Street along Dalton Road, and the entire length of Dalton Road will be paved when the work is completed. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the contract award to Barden Trimount.

Under Liaison Reports Dr. Weisfeldt reported that the School Committee has financial problems and is debating cutting buses, which will be turned over for public input. Their plea to us is for more money. The Sewer Commission is ahead of schedule. They are starting North Road on July 8th and are hoping for some state funding.

Ms. Gates reported that at the Cable Rate Hearing on the rates controlled by the Mass. Cable TV Commission no one from Town showed up. There will be a transfer hearing - U.S. West is purchasing Continental Cable, who took over Colony. She wants help from Cable counsel on how to assess. Library Building Committee: the grant application has gone in and the site reviewer has been in Town. We should find out on September 17 if we got a grant. Planning Board: she attended a NMCOC seminar, and added that the Planning Board is looking for a new clerk.

Mr. Lawlor reported that the LRTA is celebrating their 20th anniversary and he is looking for BOS support for the Gallagher Terminal Expansion Project. Commuter traffic is increasing and they feel the need for expansion. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the letter from Mr. Lawlor dated June 18 giving the Board's support of the project.

Mr. Lynch said that the drug dog Chris, donated to the Police Department by D.J. Reardon and Budweiser needs BOS approval. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to accept the gift of a specially trained drug dog to the Police Dept. by D.J. Reardon.

Mr. Lynch told the Board that the Chelmsford Country Club is applying for Weekday and Sunday Entertainment licenses. Mr. Lawlor said he would like to limit the DJ and 3 piece band to Fridays and Saturdays unless for special occasions

chartered by a private group.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve Weekday and Sunday Entertainment licenses for the Chelmsford Country Club for Radio, TV and pre-recorded music concurrent with their hours of operation, and for a DJ and 3 piece band only on Fridays and Saturdays unless for special occasions chartered by a private group.

Under BOS annual appointments, Mr. Lawlor said he would like to do a review of the Town Accountant and Town Counsel and would like the Town Manager's input. These appointments will be made on June 25th.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to appoint Richard F. Burt to the Board of Registrars for a 3-year term expiring in June, 1999.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to appoint Francis Miethe, 10 Thomas Drive to the Capital Planning Committee for a 1-year term.

Under Press Questions Laura Doyle, Lowell Sun, asked how much for architectural plans for the Police Station and Mr. Lynch said between \$200 - \$300,000. She asked if any money has been spent on Route 3 yet and was told No, that \$100,000 will be divided equally among the 7 communities. Mr. Lynch said we will work together, with 1 lead community but Chelmsford could apply separately.

AT 10:30 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Carter

85 AUG 20 PM 4:39
Regular meeting of the Board of Selectmen held Tuesday, June 25, 1996 at 12 noon. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Selectman Thomas J. Welch was absent due to illness. Town Manager Bernard Lynch was present, as was Finance Director Fred Mansfield.

Chairman Lawlor called the meeting to order at 12:10 pm.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. that the BOS vote: That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$5,027,865 pursuant to Chapters 29C and 444 of the Mass. General Laws and a vote of the Town passed on April 24, 1989 for construction of sewers and other water pollution control facilities.

That in anticipation of the issuance of the Bonds, the Treasurer is authorized to issue an interim loan note or notes from time to time in an aggregate principal amount not to exceed \$4,972,557.

Voted: to approve the sale of a \$2,600,000 Bond Anticipation Note of the Town dated June 28, 1996 payable April 24, 1997 to BayBank, N.A. at par and accrued interest, plus a premium of \$9,105.70

Further voted: to confirm the consent dated June 19, 1996 to the financial advisor bidding for the notes.

Mr. Mansfield told the Board that the first interim loan is for completed sewer construction projects and for Freeman Lake, the Westlands and Rainbow Avenue. The second loan is for obligations that the Town has agreed to undertake - architectural fees for the Center School, balance on the golf course, etc. Interest on the first loan is at 3.82% and on the interim loan 1.77%. Mr. Lynch recommended that the Board approve these notes.

The Board then voted on the Westland Package Store license transfer.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. that the Board approve the transfer of the All Alcoholic Retail Package Goods store license at 229 Chelmsford Street from ELESKO, Inc. to F.D.C. Inc. d/b/a Westland Package Store, with the stipulation that all employees take the Techniques of Alcohol Management Training Program and the store manager Tom Murtagh forward copies of their certificates to the BOS office. Mr. Murtagh said two have already taken the course and he has called for the dates of the next exam. The hours of operation will be Weekdays 8:30 am - 10 pm, and Sundays 12 noon - 8 pm.

The Board then discussed annual appointments of the Town Accountant and Town Counsel. Mr. Lynch is recommending re-appointing both Jean Sullivan and Kopelman & Paige.

Mr. Lynch said that Ms. Sullivan is doing an outstanding job the books are all in order and reports are received in a timely manner. Mr. Lawlor said that by Charter we appoint the Town Accountant for checks and balances, and we will evaluate her soon. We had given the day-to-day supervision of her to the Finance Director and he also comments on her evaluation. Mr. Lynch said there is good coordination between her office and the Director's office.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to re-appoint Jean Sullivan, 364 Sutton Street, No. Andover, MA for a 3-year term.

The appointment of Town Counsel was discussed, with Mr. Lynch saying he recommends the re-appointment of Kopelman & Paige. His evaluation of their services is very positive. We have had some difficult issues - adult entertainment, the Country Club, the Harrington suit, etc. They have been very responsive, and have a great breadth of knowledge. Their cost vs. former Town Counsel - FY95 we spent \$152,294 (not including benefits) for Town Counsel and Special Town Counsel, not including Sewer and School. As of June 25, 1996 we have spent \$98,708 and still need May and June invoices. We may spend app. \$110,000 with a probable net savings of \$50,000. Mr. Lawlor noted that this is a good evaluation tool.

Mr. Dalton said he thought they seemed a little lacking at Town Meeting, but overall doing very well.

Mr. Lynch said that their flat hourly rate is \$110.00. He had the concern that they could be too big a firm but it works well. John Giorgio stays on top of our work while giving work to other attorneys in the office. We had a legal update prior to Town Meeting and will call them back in September for further updating. Ms. Gates said if we ever have a conflict she feels confident with Brackett and Lewis. Mr. Lawlor said he favored them but thinks that Kopelman & Paige is serving us well for the time being.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to re-appoint Kopelman & Paige for a 1-year term.

Town Manager Lynch then made his annual appointments, first noting the vacancies: Board of Appeals, 3 on Arts and Technology Education Fund, 1 on Board of Assessors, 7 on Community Action Program, 1 on Conservation Commission, 2 on Cultural Council and Personnel Board which will he will appoint at a later date; and 1 on Sign Advisory. On the Historical Commission and Historic District Commission there is a mixup regarding length of terms. He believes there is 1 vacancy on the District Commission, which will be put on Hold.

Ms. Gates asked to have her name removed from the Coalition Against Crime.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the Town Manager's appointments on the 5-page list submitted by him, with terms generally ending in June, 1997.

Mr. Lynch said that we had sent out RFP's for property coverage and general liability insurance and workers' comp- ensation. Mr. Lynch disclosed that he is a member of the M.I.I.A. Board of Directors, whose members are all municipal officials, but on the compensation board, not property and liability.

M.I.I.A. bid \$115,307.00 for their package (\$9,000 less than Great American). Re Workers' Comp, it is bid two ways: 1. straight premium or 2. a retro program which pays for injuries as they occur. This has been averaging \$210,000 for the past few years thru the retro plan. M.I.I.A. is offering a straight premium of \$173,155.00.

Mr. Lynch is awarding the insurance bid to M.I.I.A. for the package of property, liability and workers' comp. for \$288,000.

Mr. Lynch told the Board that under our current coverage with Great American we were denied two claims for sewerage backup because they said there was a pollution

exclusion clause. The two claims cost the Town \$40,000 and M.I.I.A. said they will not have that clause in our policy. We switched insurance carriers to CIGNA in 1991 and are paying them app.\$300,000. There are 2 bidding for property and casualty, and 3 for workers' comp. - Great American self-insured plan, and M.I.I.A. retro and straight premium.

Mr. Lawlor asked if we lose any coverage and was told No. He asked about Police and Fire coverage - Yes; any change in deductibles - No, plus some enhancements.

Mr. Lawlor asked if there are any changes we are looking for and Mr. Lynch said they are getting prices now for investigating coverage for Police and Fire Injured on Duty. They can't get both their own health insurance and a Town payment.

M.I.I.A. is offering more- they now review public safety claims, do drug and alcohol testing and offer access to legal counsel re any liability questions.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the awarding the contract for liability and workers' comp to M.I.I.A. in the amount of \$288,462.00. knowing that costs may change with sewer pump stations and vehicles.

The Board discussed the Chelmsford Country Club Open House and asked Mr. Dalton to do the first official drive off the first tee on June 29th.

Mr. Dalton said he has received a letter from Barbara and Ed Madden, 26 Wildwood Street. Mr. Lawlor said someone has set up a nursery operation at their home in the Westlands and Tony Zagzoug has ruled it an agricultural use. They are going to the Board of Appeals because the residents don't think it is an appropriate use. Mr. Lynch said that Mr. Zagzoug has approved it with certain limitations and he will get a report for the BOS.

Mr. Dalton asked about double poles and was told they are still being worked on.

Mr. Dalton said he has heard from Jim Guerin, 8 Shedd Lane about a woman who is feeding wild geese. Assistant Health Director Jack Emerson has told her to stop but she is not. Mr. Lynch said he has gone to the MMA and has a couple of by-laws from Winchester and Yarmouth. Ms. Gates said we should send Mr. Guerin a letter telling him how to submit a citizen petition for Fall Town Meeting and send him copies of any by-laws we might have.

Mr. Dalton said that Dick Provencher, 35 Evergreen Street has been having a drainage problem since sewers went in and Mr. Lynch said he will send the DPW out to look at it.

Ms. Gates said that she has gotten many letters and calls re school bussing, and we have to interface more with the School Committee.

Mr. Lynch said his position is that there are so many variables to watch before we make rash decisions. Let's see what the legislature does - he has heard through the MMA that we're getting another \$400,000 in school aid due to a change in the Chapter 70 Formula, and the bill is now in the Senate. He has told the School Committee to wait before making their major decisions. Ms. Gates said we need to

be less reactive. Mr. Lynch said he has heard that there is a Futures Committee in the school system. Mr. Lawlor commented that school resumes in app. 2 months and there are uncertainties with their budget. They would have to take monies from other Town departments. We want to be as cooperative as possible, but they need to handle issues in a way that doesn't set off alarm bells. Dr. Weisfeldt said this is a scare tactic - they 've had a year and a half knowing that there will be a Charter School and why didn't they budget for it earlier. Mr. Dalton said they don't tell us what's going on - we have to read it in the paper. Mr. Lynch said we're getting full reimbursement for the Charter School and the net result is \$400,000. They only had to wait a week to see what the state budget is.

Mr. Dalton said they got two segments upset - the parents whose kids won't be bussed and the general public who is paying increasing taxes. Ms. Gates said we need a collective opinion - if we had full sidewalks and the manpower to clean them, how much would it cost compared to bussing. She said she knows that this is not a viable alternative.

Dr. Weisfeldt said he enjoyed the Vinal Square meeting, and asked what has happened. Mr. Lynch said the crosswalks are done and the State crosswalks will be in the next couple of weeks. He met with Armand Caron and Jim Pearson after the meeting to determine what we can do.

Mr. Lawlor said he is trying to schedule a boatribe on the Merrimack with the BOS, Jim Pearson and the Town Manager. We can probably borrow the police boat and go along the Chelmsford side to view the possibilities for a bikepath, walkway, etc.

Ms. Gates said she is going to France and England on July 24 and wants to make an official visit to Chelmsford, England on August 8 or 9.

Motion by D. Weisfeldt, seconded by Mr. Dalton, unan. to send Ms. Gates officially to Chelmsford, England.

At 1:15 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adjourn.

For the Board of Selectmen, by

John E. Carter

Regular meeting of the Board of Selectmen held Monday, July 15, 1996. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Selectman Thomas J. Welch was absent due to illness. Town Manager Bernard Lynch was also present.

Mr. Lawlor said that Mr. Welch received his bone marrow transplant a week ago and it is appreciated by his family that we keep him in our thoughts.

Chairman Lawlor called the meeting to order at 7:05 pm.

During Open Session Bill Griffin, Precinct 2, read a letter from Jeff Stallard, 77 Tyngsboro Road. Mr. Stallard asked for an update on Vinal Square - signage, crosswalks, 15 mph signs on side streets, whether enforceable or not. He asked for an old police cruiser to be parked in Vinal Square, and moved around periodically to give the appearance of more police. He asked that any grant money be used to put an neighborhood precinct in Vinal Square, maybe in the old First Bank building.

Mr. Stallard also wanted to thank all the Town Departments that worked so hard before, during and after the 4th of July celebration to make it the best ever.

Mr. Stallard questioned the LRTA vote for chairman and asked if Mr. Lawlor was authorized by the Board in casting his vote, and asked if the majority of the towns were in opposition, how did the minority win.

Mr. Griffin then addressed the Board on his own concerns that the Town did not warn the residents about the tornado watch and warning during Hurricane Bertha last Saturday. He asked if the Town still has the Civil Defense warning system and wants the Board and Town Manager to look into this, and also to work more closely with a local radio station and our Cable TV station.

Mr. Lynch said he hasn't yet received a report from Walter Hedlund on the storm and said that with the Cable TV upgrade we can issue warnings on all stations simultaneously. Mr. Dalton said that the CD horns are no longer in operation.

Harold Moore, 158 Dalton Road, said that the drainage problem on Dalton Road has existed for 40 years. The water can only go into a dry well, and he had 18" of water crossing over his backyard and driveway last Saturday. He said the Highway Dept. had looked at the storm drain and said it was OK but were going to put in another storm drain across the street. He is tired of repairing something that the Town is responsible for and the situation has been worse since sewers have come in. He knows the Town is going to do something about the Dalton Road roadway.

Mr. Lawlor said that last Saturday afternoon he went to the Moore's house, found 9" of water on Dalton Road and saw water cascading across the Moores' yard.

Mr. Lynch said he went there also, as did the Assistant Town Engineer, and the plan is to put in a new 300' drain line from Stedman Street to Mr. Moore's home and also a new 600' drain down Stedman Street. Mr. Lynch said this is one of the most planned projects we've done.

Cliff White, 161 Dalton Road, said that they have a small ocean in front of their homes after every storm and he has had to have his driveway replaced twice.

Susan Fargo, Democratic candidate for the State Senate seat being vacated by Cile Hicks, addressed the Board, stating that she is a resident of Lincoln and was a

Selectman there for 6 years. Ms. Fargo said she likes making local government work for people and if elected she would work on: 1. traffic problems; 2. corporate welfare, the have's and have not's; and 3. public education - she used to be a classroom teacher.

Barry Balan, Sewer Commissioner, said he wants to inform the public that we're working on North Road and they should seek alternate routes. North Road will be closed to everything but local traffic from 7:30 am to 4:30 pm. They are paving a surface coat as they go along and the final coat will be in one year. They hope to finish North Road by November and next year will just have to do the side streets. This will not impact the school bus service to any great degree.

Lt. Frank Roark, Police Dept. explained the traffic detours on North Road, saying that they will have detail officers assigned and will put the traffic lights on Drum Hill Road to flashing. The Police Dept. has discussed this matter at great length with the Sewer Dept., and residents of Chelmsford Village have placards to place in their cars.

Ralph Hickey, ADA Coordinator, said they have asked for space in the Town Offices, maybe the DPW storage area, for an office which will be manned 2 days a week. Mr. Lynch told him we are looking at alternate space, either for DPW storage or for ADA. Mr. Hickey commented that ADA works very closely with the Town Engineer.

The Board then met with Mary-Jo Griffin, Nashoba Valley Technical High School Committee rep. She told the Board that she has been a regular member of the Committee for 4 months, and there have been many changes. Former Supt. Fred Green has been hired by a technical high school in Greenfield. They have appointed Eugene Picard as interim Superintendent and have hired a search committee.

Principal David McLaughlin is retiring and they have appointed Victor Kiloski, Asst. Principal, as interim.

Ms. Griffin said the 1996/97 enrollment figures appear to be 40 more pupils than the past year. They expect 184 students in the Freshman Class and have hired several more teachers.

There are changes in Special Ed, which now includes an Improvement Program. Extra curricula activities are being re-evaluated.

Dr. Weisfeldt asked who would hire the new Supt. and M. Griffin said there will be a sub-committee to do the interviewing and the whole School Committee will vote.

Under Town Manager reports, Mr. Lynch said that we are looking at suggestions for the Vinal Square area - possibly a Police sub-station, and step up overall visibility.

Lt. Roark said that two weeks ago there was a gang-related fight and 3 youths were stabbed. They investigated the background of the event and have been working with the Lowell Police Dept. We are aware that we have a gang in the North Chelmsford area and have been monitoring them.

The incident was an arranged incident - it occurred during the shift change. We still consider it an isolated incident but there were probably no innocent victims.

Lt. Roark said we have increased police presence in the area of Vinal Square and

Varney Playground and have assigned the Community Response unit to that area. The Drug Force is doing random investigations. We are looking at a police sub-station in North Chelmsford and have looked at a site. We are getting another \$41,000 grant for our Community Response efforts. We would put the Community Response unit and two detectives and also another bike patrol and maybe a motor cycle, in Vinal Square to build up police visibility.

Ms. Gates said she is concerned about the Varney Park area, since basketball is played there until dusk. Lt. Roark said there is a 9 pm curfew in Varney Park. The response crew is there on bikes and will walk through any crowd.

Mr. Lawlor asked what kind of things has brought this gang to your attention and Lt. Roark said "tagging", or spray painting their turf. He said the Police Dept. is really looking forward to this substation.

The Board then held a Public Hearing on the transfer of the Glenview Lounge and Pub from Paul and Helen Hart to the Right Corp. d/b/a Glenview Lounge and Pub. Attorney Joseph B. Shanahan, Jr. represented the Harts and told the Board that they have owned the Glenview for 12 years and have signed a Purchase and Sales agreement with Alex Sampsonis, who is well known in the Lynn/Saugus area. Mr. Sampsonis had owned the Continental Restaurant, had retired and now wants something smaller, like the Glenview.

Attorney Tom Demakis, representing Alex Sampsonis, said that the Continental was a premiere restaurant on the North Shore. He wants to transfer Mr. Hart's license, with the hours of 11 am - 2 am; with Keno not ending until 1 am and Monday night football they feel the 2 am closing is necessary. Mr. Demakis said Mr. Sampsonis and his daughter are the sole shareholders in the Right Corp. and they want to pledge the license to serve as a promissory note to the Harts.

No one was in favor of or opposition to this transfer.

Mr. Lawlor welcomed Mr. Sampsonis to Chelmsford. Atty. Demakis presented a letter to the Board from Mr. Sampsonis stating that he would not have any adult entertainment, that it is a family business. Attorney Shanahan said that they are asking for Entertainment licenses for TV, pre-recorded music, Kareoke and live entertainment.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, unan. to waive the Board's custom and vote on the transfer tonight.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the transfer of all existing licenses at the Glenview Lounge and Pub to the Right Corp, Alex Sanpsonis, Manager.

Attorney Shanahan then addressed the Board stating that he represents Hummler Corporation of Billerica, who are developing a 13 acre parcel of land on Concord Road and Boston Road owned by the Lamoureauxs. If this project is approved as a regular subdivision with 40,000 sq. ft. lots, they can then ask to amend it to a residential cluster development, with 8 homes on 20,000 sq. ft. lots and the rest kept as an open area. This 7 acre parcel will be kept as perpetual open space. He has drafted a Conservation Restriction for the Board to sign. Mr. Lynch said that Land Use Coordinator Andy Sheehan in a memo dated July 7, 1996 has endorsed the language for the BOS and will also endorse for the Conservation Commission.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve and sign the Conservation Restriction subject to Conservation Commission approval.

Attorney Debra Connolly spoke to the Board, representing Sam Panagiotopoulos. He has bought Juliano's Pizza and wishes to transfer the Common Victualer's license to Brickhouse Pizza, with him as Manager. His father owns Chelmsford House of Pizza and Seafood and he has worked there for ten years. The hours of operation will be 11 am - 10 pm Monday through Saturday and 12 noon - 10 pm on Sundays. This is a pizza takeout and delivery business.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the Common Victualer license transfer at 67 Middlesex Street to Brickhouse Pizza, Sam Panagiotopoulos, Manager with the hours as stated in his application dated June 24, 1996.

Under Town Manager Reports Mr. Lynch said that on the Vinal Square matter he met with residents and merchants at the Senior Center in late June, and he, Armand Caron and Jim Pearson have met with the State Highway people. They have not accepted the lights from the contractor since he has not yet complied and we need more loop detectors. The State will put up additional signage to explain how the lights work and we are putting loop detectors in the crosswalks. The pedestrian light takes too long to be triggered and is on too long once it has been triggered. The State will consider re-locating traffic lanes towards the municipal parking lot, which will help merchants on the other side of the street. He said that Chief Caron and Mr. Pearson think that with more "tweaking" Vinal Square will be safer and more effective. The State wants to try to make it work over the next couple of months. On the local level we are putting reduced speed signs in the neighborhoods. The State will paint the crosswalks. The reaction was very negative in the beginning but the lights have been improved and we re implementing changes to make it work better.

Re the North Road situation, Mr. Lynch said he has met with Sewer, Police and the contractor. Mr. Lawlor said he hopes that several people in each department are aware of the changes, due to vacations, etc.

Mr. Lynch said that he has spoken with Dalton Road residents, some just tonight, and the plans are to reconstruct Dalton Road, improving drainage and straightening the road. 15 trees would have to be taken down and the neighbors are concerned. We are in the process of re-engineering the project. The problem is not just the sidewalks but in re-constructing the road we will have to cut roots of some trees. We are working with the residents about granting easements and replacing trees. The problem is that in the Westlands the sidewalks and roads are about the same size and level but it goes beyond the sidewalk problem - we also need to reconstruct the roadway and put in new drainage and sidewalks. ADA says the sidewalks must be more accessible. He will be happy to meet with the residents, Jim Pearson and Jim Stanford to find a solution. He will keep the Board in the loop and wants to get the neighbors to buy into the project.

Mr. Lynch reported that he and the Board have toured the Southwell Field area via river to look into bike and walking paths. The Southwell Field project 15 or 16

years ago included some trails and we are trying to re-work some of the old plans.

On the double pole issue he has received a list of 72 poles removed from several streets in Town. With a change in some of their practices Nynex will be able to respond faster, and they are using outside contractors.

Mr. Dalton asked about Davis Road and Mr. Lynch said the plan was to re-string wires but they had to move a pole to appease a resident and now have to rework the project. We hope to do that this year but by easing one problem we have created a lot of other problems. Davis Road will get a lot more use when North Road is closed but the police will try to discourage this because it is so narrow.

Mr. Lynch said that we are looking at options and cost estimates on rehabbing the old North Town Hall. Mr. Dalton wondered if we could get Nashoba students to do this project as their house for this year. Mr. Lynch said that we have problems with lead and asbestos that goes beyond what students can do.

He reported that the Cherry Sheets are in with \$430,000 more than we expected - Chapter 70 monies for the Charter School reimbursement, which will help to close the gap. They'll have to find additional funds in their budget and we'll try to help. The School Department has a Citizens Committee that has drawn up a 5-year plan. We need to be brought up to date to work this into our overall plan. A Work Session with the School Committee will be scheduled for early September and we will try to get their Strategy/Steering Committee to come.

Mr. Dalton asked if we will get extra money for the Charter School every year and Mr. Lynch said he understands it will be built into State Aid. The School Dept. will still lose \$880,000 but they are getting back \$430,000 and will have to cut back for the other \$450,000. We're concerned with the bottom line. Dr. Weisfeldt said that the bussing issue has been diffused and there will be bussing in the fall. Mr. Lynch said he hopes to avoid any confrontation with the School Committee.

Mr. Lynch said that we have been offered a donation of land 10,500 sq. ft. at the Buckman Circle development which is owned by Bradford and Linda Emerson. Mr. Lawlor asked if the piece is landlocked and Mr. Lynch said if we accept this we will try to transfer it to the abutters.

Ms. Gates left the room during this discussion and vote due to a conflict of interest.

Motion by Dr. Weisfeldt, seconded by Mr. Dalton, to accept this parcel of land donated by the Emersons. Vote was 3 in favor to accept, Ms. Gates abstaining.

Mr. Lynch said there will be no contract awards until the August meeting.

Under Unscheduled Business the No Parking signs on Bridge and Westford Streets requested by Peggy Dunn have been approved by the Police and Fire Depts. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the placement of No Parking signs on Bridge and Westford Streets.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve three one-day Beer and Wine licenses for St. Vartanantz Church for picnics on August 4, 11 and

BOS Liaison Reports/Referrals

Mr. Dalton questioned the traffic lights at the Shell station and Mr. Lynch said that Mr. Pearson will look into this.

He asked that a letter be sent to Peter Ricciardi re Vinal Square and Mr. Lynch said this has been done.

He asked about the Provencher problem on Evergreen Street and Marian Currier said this has been taken care of.

Mr. Dalton said he received an unsigned letter re home businesses on Dalton Road and asked the letter writer to please call him.

Mr. Dalton said that the Finance Committee has 2 or 3 openings.

The Traffic and Safety Committee is focusing on Vinal Square.

Mr. Dalton read a letter from the Middlesex County Advisory Board about a charter for Middlesex County. The Board will vote on this issue at the next meeting, and Mr. Lynch will try to find out more about it.

Dr. Weisfeldt reported that the School Committee has the bussing issue solved and need to meet with the Advisory Committee.

The Sewer Commission meets tomorrow.

He asked about the Center School Building Committee and Mr. Lynch told him it probably won't meet for another year.

Ms. Gates reported that the Library Trustees have set goals and read their list.

They have had 375,000 items in circulation this year; they will hear about the grant application on September 17, and are asking about public documents - what should be kept in the Library.

She reported that the Planning Board wants to discuss the sign by-law and its enforcement.

NMCOG is talking about transferring the bike path project to the Department of Environmental Management.

She reported that there is nothing new with the Cable TV Commission.

Mr. Dalton said he wanted to change the policy re marking Town vehicles - all should be marked except undercover Police Dept. cars. Mr. Lynch said the existing policy seems to cover this, and Mr. Dalton said it should read all vehicles clearly marked with the Town seal. Mr. Lynch said we want to keep several police cars unmarked and the current policy leaves some leeway by not requiring Town seals on all vehicles.

Mr. Lawlor thanked the Town Celebrations Committee, Police, Fire and Highway Departments and especially Walter Hedlund and Jeff Stallard for making the July 4th celebration one of the best in memory. It really made the Town look good.

He reported that the Board took a trip on the Merrimack on the Chelmsford/Lowell Police boat and toured the Chelmsford riverfront. He is asking the Town Manager and Department Heads for ideas to improve the Town's

utilization of the shore line by using trails - walking, biking, cross country skiing - and other uses of the Southwell Field area such as an amphitheater or gardens. He added that as a Board of Selectmen we are mindful of financial priorities.

Mr. Lawlor said that he is the Town's new designee to the LRTA and at their June meeting he became Vice Chairman. He is on the Board to enhance the position of the Town of Chelmsford and as Vice Chairman he may be able to do that. We have an excellent Executive Director in Robert Kennedy and we all want to provide the best possible regional transit system.

At 9:35 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to go into Executive Session to discuss contracts and real estate issues. Mr. Lawlor said we will be coming back to Open Session for a brief announcement. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

The Board returned to Open Session at 10:00 pm and Mr. Lawlor announced that the Board has signed the Manager's contract. It was voted several months ago and was sent to Town Counsel to be drafted in the form we wanted. Three out of 4 members signed the contract, with Mr. Dalton abstaining because fire negotiations are still going on.

At 10:05 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Town Clerk

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Regular meeting of the Board of Selectmen held Monday, August 19, 1996 at 7:00 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

Chairman Lawlor called the meeting to order at 7:10 pm, stating that Chelmsford has been thought of as a wealthy town in a lot of respects but we are poorer through the loss of our colleague Tom Welch. His is an absence that won't be filled. He asked for a moment of silence in Tom's memory.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to dedicate a page in the minutes book to our fellow Selectman Thomas J. Welch. Mr. Dalton said we should have a plaque made showing his service as a Selectman to give to his family.

Jeff Stallard, 77 Tyngsboro Road, spoke in Open Session on a number of items. He commented on Vinal Square, noting the new pedestrian signs in the crosswalks and asked to have one put on Tyngsboro Road. He asked what response the State has given since the meeting at the Senior Center. Mr. Lynch said that we met with the State in July and they indicated that they want to work with us. They are not ready to turn the lights to flashing or off due to the number of accidents in Vinal Square. They don't consider the project complete - still need more loop detectors and realigning of the roadway. They will hold another meeting later this month. Mr. Stallard said that Szechuan Chef and Chelmsford House of Pizza Restaurants are concerned with the one-hour parking signs - they have both spent a lot of money on their dining areas and the signs are discouraging customers. They should either be lengthened to 2 hour parking or eliminated.

Mr. Stallard added that we need more signage on side streets calling for lower speed limits, whether enforceable or not.

Mr. Stallard then discussed the North Common - stating that there is a water supply there but they need an electrical drop for seasonal decorations, etc. Mr. Lynch said he will make sure it's there by October.

Re the Old North Town Hall, Mr. Stallard said he doesn't blame this Board, but previous boards, for the poor condition of the building. He suggested forming an Ad Hoc Committee and rehab the building so it is no longer an embarrassment but an asset. It could house the Veterans' Agent, Food Pantry and use the rest for the Police Substation in Vinal Square. It could also be used as a meeting area. He added that the residents are happy to have more police in the area.

Mr. Stallard then referred to the Toll House on the Center Common, saying that he likes the idea of a visitor's information area.

Mr. Stallard then asked about the LRTA vote, how did the BOS have input into that. Mr. Lawlor said he appointed himself as the Chelmsford rep to the LRTA, and the vote on June 23 was not taken with the input or authority of the BOS members.

Mr. Stallard said he is concerned about initiatives being in the press before the neighbors are aware, referring to the proposed river walkway. The bulk of the neighbors are willing to look at new ideas and it appears that there has been a lack of

communication. He asked that the neighbors be asked to participate. Mr. Lawlor said that the interest in the Southwell Field area has been from the very beginning and nothing will happen without neighborhood input. The BOS looked at the Town's property from the river side and came up with the idea of a walkway.

Peggy Dunn, 2 Bridge Street, and Chairman of the Historic District Commission said she was the person who set up the program at the Toll House and got the volunteer staffing. She said it is the oldest surviving canal house in the country and last summer they had over 70 visitors in 17 days and gave out a lot of Chelmsford information. They shared the building with the Community Band, who used one room for storage and Boy Scout Jeff Needles asked to repair the building as an Eagle Scout project. Mr. Lynch said he would like to discuss other options for an information area with her.

Rose Sergi, 427 Wellman Avenue, said she wants first-hand information on the rumors that she has heard. She asked Mr. Lawlor to contact the management companies and tenants in Williamsburg.

Mr. Lawlor said that Williamsburg is private property, not Town, and he has told people that he wants to see the path along Town property. It would be nice to go along Williamsburg, but only if they want it. We should maybe have a meeting at the Senior Center to discuss plans and concerns, although we have no plans to show yet. He was asked if the property could be taken by eminent domain, and said that as a matter of law it could be done, but it is not the intent of the Board to do so.

Ms. Gates said that it is sad that elected officials can't just sit around and brainstorm, it's only just imagining, and it is sad that four elected people can't sit around and discuss visions.

Bob Liddell, 807 Wellman Avenue, Chairman of the Williamsburg II Trustees, said that the article in the Sun said that it would go through Williamsburg to Tyngsboro. Mr. Lynch said an idea has to have a germination point and needs specifics before it gets public input. We need a lot of community enthusiasm, and Mr. Lawlor said we will have Williamsburg members on any committee.

Ann Marie Anderson, CH of the Williamsburg I Trustees, said they are going on record as being opposed, that they only know what the residents who have called were told.

Suzanne Whitney, 702 Wellman Avenue, said that the articles in the newspapers are inaccurate, that they have 350 - 400 signed statements opposing any walkway through Williamsburg. We want to discuss this in detail - why are we spending time and energy making plans that we don't want. We are afraid that people will continue along the path through Williamsburg and Southwell doesn't have enough parking now. Mr. Lawlor said our intent is developing Southwell Field as a Town asset. Ms. Gates said that we have no plan, just an off the cuff remark.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, that the BOS at this time not discuss Williamsburg or a walking trail until we meet with the residents. Ms. Gates said she will not support curtailing the BOS speech or thought. Mr. Dalton said that as a Board we will not

discuss the issue at hand with the press. Vote on the motion was 2 in favor, 2 opposed (SJG and PVL). Motion failed.

Ken Duers, 4 Melody Lane, said he endorses the idea wholeheartedly. He works for the Merrimack Valley Watershed Council and is working on opening up public access to the waterfront. He volunteers his services and those of the council to start a trail on the public property.

The Board then presented a Certificate of Appreciation to the Chelmsford Rotary Club for their service to the community in refurbishing the Revolutionary War Monument on the Center Common. Rotary President Doug Hausler thanked the Town for their appreciation and said that the Club raised over \$6500 in funds for the monument and last year gave back \$15,000 to the Town. They have also cleaned up the stone and horse trough on the Little Common.

Kathy Frazer from Nynex was present for Public Hearings on pole and conduit petitions for Chelmsford Woods. No one present spoke in favor of or opposition to these petitions. The DPW Dept. recommends that these poles be placed at least 3 feet off the edge of the pavement.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve petitions - Plans 896, 897, 898, 899 and 900, and F-721.

Double poles were discussed and Mr. Lynch said they are working in various areas. Mr. Dalton mentioned a pole on Locke Road between Leitrim and Conifer. Ms. Frazer said she assumes this was an oversight, and they are making a concentrated effort to take down all double poles in the Merrimack Valley.

Ms. Gates asked the Town Manager to have Kopelman & Paige review all laws re utility poles and all services on all poles - there are things out there that we don't know about.

The Board then met with the new owners of the Route 3 Cinema. The Board licenses the 8 screens for theater and Sunday Entertainment licenses, and also a Common Victualer license for the refreshment stand.

Paul Glinski and Daniel Sedden were present and Mr. Glinski said that as of last week the ownership was Route 3 Limited Partnership but the actual transfer took place so rapidly that we didn't notify the Board of Selectmen. Mr. Sedden, not Mr. Glinski, is President of the new corporation. Mr. Lawlor asked who is the general partner and Mr. Glinski said Route 3 Cinema Inc., 120 Fulton Street, but the Route 3 Limited Partnership controls the operation of the theater. The Common Victualer license should be in the name of Boston Concessions Group Inc., the same concessionaire who has been there. Dr. Weisfeldt asked if they are still going ahead with the lawsuit against Cross Point and Mr. Glinski said they can't answer that on advice of counsel.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to transfer the Route 3 Cinema licenses to Route 3 Cinema Limited Partnership contingent upon the Mass. address of the corporation being given to the Town within 30 days.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to transfer the Route 3 Common Victualer License to Boston Concessions Group.

The Board then discussed the transfer of the Cable Television license with Don Ratte, General Manager of Lowell Cable TV. The transfer is to be made from Continental Cable to U.S. West.

Mr. Lynch said we have been watching this closely and have a report from the magistrate who has conducted the review and also from our legal TV Counsel, who has presented a draft of the transfer document. Service will continue on the same level as we now have; the specific issue we are including is that the merger must occur by December 31, 1996.

Ms. Gates said that as liaison to the Cable Commission there is very little we have control over, other than checking on the financial stability and operations expertise of U.S. West. Mr. Ratte told the Board that U.S. West is the smallest of the baby Bell companies - the 7th largest telephone company, and Continental is the 3rd largest cable TV company, the largest cable operator in Massachusetts. Mr. Ratte added that there are more channels as part of the renewal contract, and new channels will be added after the first quarter of the year.

Dr. Weisfeldt asked if there will be any savings to the consumer, and Mr. Ratte said the more services you buy, the more savings.

Mr. Lawlor said that as a matter of disclosure he owns some shares of U.S. West. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the transfer of the cable TV contract in the form as drafted by our Counsel. Mr. Ratte said that they are looking forward to moving into their new quarters at 331 Billerica Road.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the minutes of the regular BOS Sessions of May 20, June 6 (Work), June 17, June 25 and July 15.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to approve the Ex. Session minutes of May 20 and July 15. Vote was 3 in favor, 1 abstention (WFD because he did not participate in the whole session).

Under Town Manager reports, Mr. Lynch said that the Police substation in Vinal Square is opening in early September.

Mr. Lynch reported that he has met with the School Dept. re the budget and Medicaid reimbursement. He met with Mr. Lawlor, Mary Frantz and Dick Moser re transfer to the Charter School and Medicaid money. We are still trying to pin down the final numbers for a final school budget figure.

Mr. Lynch has met with Dalton Road residents trying to allay their concerns re sidewalks and trees. He hopes to bring a detailed report to the BOS September meeting.

Re Route 3 we are working with other communities to put the pressure on the Mass. Highway Dept.

Re the Veterans' Agent situation, we hope to get full reimbursement from the State. We have advertised for a joint position with Westford, and are also looking at other options.

Under Appointments, Mr. Lynch said he has appointed as a Board of Appeals alternate Philip Eliopoulos.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the appointment. Mr. Lawlor said he very strongly endorses this appointment.

Mr. Lynch said that Capital Planning is a BOS appointment and that John Morrison has applied. He has been the FinCom liaison to the Committee.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. that the BOS appoint John Morrison to the Capital Planning

Committee. Mr. Lynch said he will have a list of appointments for the next BOS meeting.

Under Contract Awards, Mr. Lynch said he would award to each low bidder for Highway materials as recommended by Jim Pearson. Mr. Lawlor noted that Massachusetts has a competitive bidding law - Chapter 30B.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to award to the low bidders items 4, 5A, 6, 7, 10 and 12.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to award #9 to the low bidder for aggregate.

Engine 5 Roof Replacement - motion by Ms. Gates, seconded by Dr. Weisfeldt, to award the contract to the low bidder Stack and Hughes, Lowell, for \$11,467.88. Vote was 3 in favor, 1 abstention (WFD).

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to award the bid to Poulson as contractors for our office supplies for the next three years.

Under Unscheduled Business motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to issue 2 Roadside Vendor's licenses for the sale of Christmas trees to Greg Spring, for 55 Graniteville Road and 116 Chelmsford Street, with hours of 9 am to 9 pm December 1 - December 24.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to issue a one-day Auctioneer's license for the sale of antiques to James Baynas, Jr. for October 3 at the Elks.

Mr. Lawlor said that there is a vacancy on the BOS created by the death of Tom Welch. He was serving out the term of Roger Blomgren, which would end in April, 1997. Does the BOS wish to hold a special election?

Motion by Ms. Gates, seconded by Dr. Weisfeldt, that we hold the seat held by Tom Welch until the April, 1997 election. Mr. Dalton said it would cost the Town money and any candidate would have to campaign twice in 6 months, and out of respect for Tom we should leave the seat vacant. Dr. Weisfeldt also said that out of respect for Tom we should not fill the seat until April, 1997.

Under New Business/BOS Liaison reports, Mr. Dalton said that nothing is happening with the Cemetery Commission and that Traffic and Safety haven't been meeting lately. He spoke with John Morrison, former FinCom Chairman, who is not sure whether he has yet been replaced.

Mr. Lynch will report on the Middlesex County Advisory

Board charter proposal at the next BOS meeting.

Mr. Dalton reported that we as a Board have been invited to meet Senator Kerry, who will be on the Center Common from 1:45 to 2:15 pm on Thursday, August 22nd.

Dr. Weisfeldt reported that he went to the State House with Rep. Carol Cleven and met with Kevin Sullivan of the Mass. Highway Department. The State is looking at the Route 3 project and is hoping for 80% federal funding. He's hoping that by 2001 they will be ready to go.

As liaison to the School Committee he is pleased that Mr. Lynch, Mary Frantz, Mr. Lawlor and Dr. Moser are working together.

The Sewer Commission met on August 8th and have a new rough draft plan, reducing the betterment fee from \$7500 to \$5000.

The Master Plan Committee meets frequently and wants to be ready for the Fall Town Meeting.

Ms. Gates reported that she has attended her first NMCOG meeting and they voted that Route 3 should not be privatized.

She visited Chelmsford, England and gave the Mayor a History of Chelmsford and a Chelmsford Basket. She in turn sent pins to the BOS members.

Dr. Weisfeldt said that the money has been appropriated for the Bruce Freeman Bike Trail. He asked the Town Manager to send a letter to Rep. Carol Cleven thanking her for bringing the monies to Chelmsford. Ms. Gates noted that the trail was started in 1983.

Dr. Weisfeldt reported that he had had a call from a gentleman related to the Eriksens and asked about the sign at Eriksen's Corner. Mr. Lynch said it has vanished and Peggy Dunn is working on replacing it.

Mr. Lawlor said that the LRTA and EDP will be meeting in September, and noted that the end of Zeus drive needs work.

Under Press Questions Independent Reporter Brian Gormley asked what is the next step with Williamsburg and Mr. Lynch said we will be meeting with residents with preliminary plans, that we have the 1976 plans for Southwell Field.

Bill Griffin, Precinct 2, asked to continue Open Session and said that at the April Town Meeting he had reported that the railroad bed at the west side of the tracks near School Street had deteriorated, and he thought there was a 1997 time frame to rectify this. He said that he has seen tanks carrying poisonous gases. Mr. Lynch told him that the B and M has inspected on a regular basis and feel the track is safe and that the federal railroad administration has not identified any problems.

Mr. Griffin asked if there is any type of time frame with Vinal Square and Mr. Lynch said we are planning to meet in early September, and they are looking at a 6 month frame.

He asked about Civil Defense - have we heard about any warning systems. and Mr.

Lynch said that Civil Defense has a system in place. Mr. Dalton said we could look into getting new electronic horns and Mr. Lawlor said that in other parts of the country they rely on Cable TV and radios.

Mr. Griffin said there is a double pole at Queen Street and Mill Road that looks very unsafe.

Mr. Griffin asked if the Town comes up with a technology pavilion that we name it after Tom Welch.

At 9:55 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, that we adjourn to Executive Session to discuss ongoing litigation and collective bargaining. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

J. D. E. Carter

Work Session of the Board of Selectmen held Wednesday, September 11, 1996 at 7:30 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to go into Executive Session to discuss litigation and real property. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

The Board returned to Public Session at 9:15 p.m.

Veterans Director: Mr. Lynch introduced Regina Jackson as the new Director of Chelmsford/Westford Veterans' District. The Board expressed congratulations and best wishes.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to endorse the appointment.

Appointments: Mr. Lynch announced that he has made the following appointments:

Sign Advisory Committee: John Coppinger, 20 Ansie Road;

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to endorse the appointment.

Cultural Council: Nandia Salvitti, 26 Montview Road

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to endorse the appointment.

Council on Aging: Robert McCallum, 11 Colonial Terrace and Martin Boormeester.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to endorse the appointment.

FY97 Goal Update: Mr. Lynch presented an update on the BOS/TM 1997 goals:

- .Tax Relief - anticipating free cash to stabilize taxes in FY97. Currently analyzing Five Year Plan for tax impact and working to minimize costs through procurement practices and alternative service delivery options.

- .Regionalization: working with other communities on the Route 3 widening options, monitoring Greystone, particularly traffic impact, inventorying regional programs and considering additional regional initiatives by meeting with Departments and adjacent Towns.

- .Technology - Bernie DiNatale to report on September 23 on Netday and community technology plan, discussing tech committee with citizens. Town Office computers moving to Windows environment.

- .Organization Fundamentals reviewed as regular administrative/management functions.

Upcoming Meetings:

Discussion of upcoming meetings and issues. Joint meeting with FinCom and School Committee cancelled for 18th. Mr. Lynch will work on a new date with the School Committee and FinCom. There is an October 1st meeting re the Southwell Field Riverwalk concept at the Senior Center. The September 23rd meeting regular

business includes Bernie DiNatale and the Town Meeting Warrant.

Other Business:

Ms. Gates raised the issue of illuminated sign enforcement and the effect on businesses. Mr. Lynch is to meet with the various sides to mediate settlement.

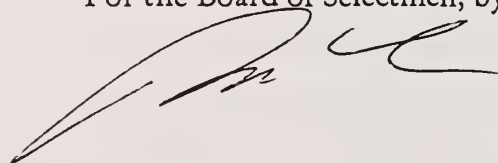
Ms. Gates asked about the Freeman Dam issue. Mr. Lynch announced a Public Meeting on September 24th on this issue. The DPW will come to the BOS in October with a plan based upon input at the public meeting. The Dam work will be completed in Fall 96 or Spring 97. Money to get requested in Town Meeting budget amendment.

Mr. Lawlor asked about the Toll House status. Mr. Lynch reported a possible compromise use with the Community Band using it in July, and having it available for other uses in the other eleven months.

Dr. Weisfeldt asked for discussion of the role of liaisons at an upcoming meeting.

At 10:15 p.m. motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adjourn.

For the Board of Selectmen, by

A handwritten signature in black ink, appearing to be a stylized 'R' followed by a flourish.

Executive Session of the Board of Selectmen held Wednesday, September 11, 1996

Regular meeting of the Board of Selectmen held Monday, September 23, 1996.

Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard F. Lynch was also present.

Rep. Carol Cleven spoke to the Board, announcing that a \$1.8 mil grant has been awarded to the Library for their proposed expansion. This was the third highest award in the State and she commended the Library staff, Trustees and the Building Committee. There were 92 grant applications and app. 38 awarded. The stipulations are that the local community has to come up with their money by March 19, 1997 and construction has to start prior to December 19, 1997. The Board thanked her and Senator Cile Hicks for their part in obtaining the grant.

Hasty Evans was present during Open Session and spoke, saying that she is a 6-year State rep and is the Republican candidate to replace Senator Hicks. During those 6 years she has been a member of the Ways and Means Committee, Transportation Committee and Education Committee. She has helped to make changes in the Ed Reform bill and with Rep. Cleven she has obtained transition money for the start of the Charter School.

Boy Scout Joe Ready addressed the Board, asking for their help on his Eagle project. He plans to build an Ice Skating Pavilion on the pond at Roberts Field for Winterfest. The pavilion will be on cement footings, 32 feet long, with benches. He has met with Jim Pearson and will meet with Conservation and Recreation. The cost will be \$2400 - \$4000, and he will present the project to Rotary club, seeking their support. He is asking the BOS to approve his project and to waive any permitting fees.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to waive any fees and to support the project.

Police Chief Armand Caron was present and told the Board that D. J. Reardon, a Billerica businessman, has bought the Town a police drug dog - for \$8,000. Chris is a giant schnauzer, trained to seek out narcotics and explosives. He has sought out over \$500,000 in drugs since we have had him. Officer Dan Ahern then brought the dog into the meeting room and he sniffed out a planted drug box.

Chief Caron said that app. 140 people turned out for the opening of the Police Substation in North Chelmsford on Saturday. The project had \$20,000 in State grant money and we have received a \$23,000 federal grant. Most of the work was done by the Police Officers themselves and there have been 25 - 30 seniors who have volunteered to help. He added that we will be forming a Narcotics Strike Team with 25 other Towns, and won't charge for the use of the dog by any other Police Dept.

Chief Caron noted that the DARE car won first place in the DARE rally, and the SWAT challenge was won by the NEMLC unit.

Chief Caron said that he is recommending that Halloween be celebrated on Thursday, October 31st, that it will cause problems if we try to change the date. Dr. Weisfeldt thanked the officers for giving their time at the Library Book Sale.

Evelyn Thoren spoke on the Arts and Technology Education Fund and thanked the Board for their support of the Town Meeting article. The alternative funding article was passed at the April Town Meeting, and approved by the Attorney General in August. The flyers were printed at Nashoba, and these are voluntary donations. It will be up to the Committee to determine how the money collected will be given out.

Peggy Dunn, 2 Bridge Street, said she wants to thank Joe Ready and Troop 77 for their contributions to Winterfest - they did a spectacular job.

Judy Olsson spoke to the Board, stating that on Sunday, September 29 we are holding the first annual September Fest at Southwell Field. It will be a family Fun Day, with softball games with Town officials and Police and Fire Depts to raise money for improvements at Southwell Field.

Jeff Stallard, Tyngsboro Road, had several subjects to discuss, including Vinal Square. He asked if the Town has met with the State again, and Mr. Lynch said that they've put in loop detectors and now have to do the timing. He asked about the 1-hour parking signs on the river side of the Square and Mr. Lynch said they're still negotiating on this. Mr. Stallard said he appreciates the 20 mph speed limit signs on Newfield St., and what about putting them on Sherman St.?

Mr. Stallard discussed the North Town Hall, thanking Mr. Lynch for letting him come on the tour. He said that people think that \$1 mil is high to rehab the building. He said that the inside is a mess with School Dept. surplus and could we use the Sheriff Dept. to clean up. Mr. Lynch stated that the cost estimates were based on a sq. ft. basis but we will hire an architect to nail down the actual costs.

The Lighthouse School is moving to the Williamsburg complex and Mr. Stallard asked could we have a test of our emergency plan and Mr. Lynch said he has talked to the 2 chiefs about it and mentioned the chlorine spill in Lowell.

Mr. Stallard brought up the beaver situation and said that people are concerned about encephalitis. Mr. Lynch said we clean out any blocked culverts and can contact the state to clean out any dams we find. Mr. Stallard wanted to publicly thank the Highway Dept. He asked the Board to take a vote against the passage of Question No. 1 on the November ballot.

Mr. Lynch said that we held Employee Recognition Day last Friday and introduced Betty Delaney, Asst. Town Clerk who received the Award for Dedicated Service and John Sousa, Cemetery Supt. who received the award for High Level of Professionalism. Mr. Lynch added that both recipients were nominated by their peers.

Phil Villiere, Outside Plan Engineer for Nynex, presented a petition for underground conduit to be placed in the roadway on Princeton Street and Richardson Road. They will also have to deal with the State because Princeton Street is a state road and hope to complete the work within the next 3 months. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the petition plan 901.

Ms. Gates read the proclamation for Cultural Council Month and moved to proclaim October as Cultural Council Month in Chelmsford, seconded by Dr. Weisfeldt, unan. The proclamation was accepted by Pat Fitzpatrick who told the members there will be a coffee house on October 26 at the Community Center.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim Chelmsford Women of Today Week. Ms. Gates read the proclamation, which was accepted by Kathryn Fisher.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim Fire Prevention Week. Ms. Gates read the proclamation which was accepted by Fire Chief Jack Parow. Chief Parow said that the 3rd Annual Open House at the Center Station will be on Sunday, October 6 and he invited all residents to attend.

Kenneth St. Hilaire was present requesting to Transfer the Class II Auto Dealer's license at 123 Princeton Street, N. Chelmsford from National Auto Body to Northeast Transmissions. Mr. St. Hilaire said he primarily does transmission work but would like to be able to have up to 35 vehicles for sale on his lot, as did Mr. Dulgarian. Mr. St. Hilaire has been in the shop next door for 13 years. He has 4 bays, and 2 offices and a reception area for selling cars. He intends to keep the property clean and there is a wooden fence between the 2 lots. Mr. Lawlor told him that the BOS does check on car lots on an annual basis.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the transfer of the Class II Auto Dealer's license for 35 vehicles at 123 Princeton Street to Northeast Transmissions.

Attorney Joseph B. Shanahan, Jr. was present representing Helmer, Inc. who has purchased 12 acres of land on Concord Road at Boston Road. This property has been under Chapter 61A, agricultural restriction. They had offered the Town the Right of First Refusal in November, but certain statutory requirements hadn't been fulfilled. They now have been met. Mr. Shanahan pointed out that the statute requires that the Board of Selectmen send the letter to not exercise the Town's right, not the Town Manager. He will submit a draft letter for the Chairman's signature. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. that the BOS waive our right of first refusal to the Lamoureux property under 61A.

Attorney Justin McCarthy was present, representing Village Concepts. In April they received approval for a 17-lot subdivision off Fisher Road. The Planning Board asked the developer to extend the sidewalks, but he needs permission from the Board of Selectmen to do work within the right of way. The Engineering Dept. approved the plans.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the sidewalk construction in the Fisher Road right of way. Atty. McCarthy said they hope to have the project completed within a couple of weeks.

Director of Educational Technology Bernie DiNatale of the School Dept. presented his Technology Plans to the Board. Mr. Lynch said that Mr. DiNatale has worked with both school and town officials, and that the Cable TV contract plays a

vital part in this plan.

Mr. DiNatale said the Mission Beliefs are Ed Reform, Long Range Planning and Cable Contracts. He noted that in 1952 there were 1719 pupils in the school system in 1952 and 4485 by 1962. Communities with wired schools include Fairfax, VA, Haggerston and Chelmsford.

If we build a networked virtual community we can learn more, better, faster.

One of the 5 years goals is AIN (Access Information Network for the entire community), LAN (Local Access Network) and WAN (Wider Area Network).

A closed I loop connects municipal buildings together and this can be done through the current cable contract language. It is owned by the Community and maintained by the provider. The two network loops will interconnect at the Parker School. He showed a time schedule, indicating that we can be completed by 2001.

Mr. DiNatale said that Sun Microsystems is the partner for Parker and Cisco for McCarthy.

October 26 is Net Day and our goals are to have Parker and McCarthy networked and wired. April 5 is the next Net Day and we hope to install new labs in the elementary schools and are looking for partners to wire them.

We submitted a competitive grant to SunMicros and received the grant two weeks ago which will be used for Web service, software and hardware.

He said we hope to have cable connecting from every household. I-net is two cabling systems in the community - one similar to what we have now and the second will be a 19 mile closed loop connecting 21 municipal buildings and educational resources. It will include 7 libraries that can function as one, Police and Fire Stations, Town Offices and the schools.

On Mass Net Day we have a large group of volunteers to help but the actual costs of wiring are our responsibility. Some vendors have cut their costs up to 70%, and technological partners are donating equipment. The Capital Planning budget has funds set aside for this project, and INet was part of the cable franchise.

Chairman Lawlor and Mr. Lynch thanked Mr. DiNatale for his presentation. Under Town Manager Reports, Mr. Lynch noted that Wanda Dunn is here and that there is a Freeman Lake Public Hearing here tomorrow night with the DPW and Conservation Commission.

On the North Town Hall, we are trying to identify uses and cost estimates. The library project is estimated at \$132. per sq. ft., and noted that as a public entity we have to pay the prevailing wages.

Mr. Lynch said that the 1802 Schoolhouse needs painting and the Cemetery Commission has dedicated some of their trust funds to help with this project. We are scheduling a joint meeting with the School Department and FinCom for Thursday, October 17th.

School Supt. Dick Moser was present and said that Mr. DiNatale's presentation is about 1/3 of the Chelmsford Citizen's Committee, and gave out an Executive Summary/Status Report.

Mr. Lynch said he has been contacted by Jim Moriarty, who told him that members of the Committee to elect Tom Welch want to place a bench outside the Town Hall in Tom's memory.

Mr. Lynch reported that he, Mr. Lawlor and Mr. Dalton walked Southwell Field with Williamsburg residents last Saturday a.m. and also attended the Vinal Square Police Station opening.

He reported that the Community Center, formerly the old Town Hall, will have its grand opening on October 5 at 1 pm.

Re the North Town Hall, Mr. Dalton suggested that we get Sheriff Bailey to supply prisoners to gut the place, and then have Nashoba Tech kids do some interior work to cut the cost. Mr. Lynch said he hopes to have additional cost estimates by the October Town Meeting, and Mr. Lawlor added that the BOS is committed to doing something.

Under Appointments, Mr. Lynch said he has appointed Robin Crane, 2 Vineyard Lane, to the Cultural Council.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this appointment. Mr. Lynch said he has made the following appointments to the Arts and Technology Committee: Ed Morassi, Business Rep; Beverly Barrett, At Large Member; and Sheila Pichette, Parent Member.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve these appointments.

Under Unscheduled Business, the Board discussed the date to celebrate Halloween. Mr. Lawlor stated that the past few years the Town has been Trick or Treating on Sundays, but the Police Chief is recommending that we have it on the actual day itself. Ms. Gates said she prefers Sunday.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, unan. to celebrate Halloween this year on Thursday, October 31st.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant a One-day Auctioneer's license to International Auctioneers for Oct. 26 at the Elks, and to ask them to state what they are auctioning in future applications.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant a One-day All Alcoholic license to St. Vartanantz Church for Sat., Sept. 28 from 6 pm - 1 am.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant an Entertainment license to Cafe Aroma, 40 Chelmsford Street, for live easy listening music during their hours of operation, 6 am - 11 pm.

Mr. Lynch then went over the Warrant Articles for the October 21 Town Meeting with the Board:

- Art. 1 - to hear reports
- Art. 2 - we don't need to borrow for the golf course; it has already been paid.
- Art. 3 - sewer borrowing - no longer needed
- Art. 4 - transfer from Stabilization to Free Cash
- Art. 5 - reduce tax rate
- Art. 6 - funds for library
- Art. 7 - \$100,000 to design addition to Police station; this is within 5-year financial plan
- Art. 8 - revolving fund for Board of Health to give Hepatitis B vaccine to school children
- Art. 9 - Late bills - will be under \$10,000
- Art. 10 - Medicaid reimbursement to School Dept.
- Art. 11 - amend FY97 operating budget; try to help School Dept.; outlay for Freeman Lake Dam
- Art. 12 - fund collective bargaining agreements if contracts are settled
- Art. 13 - sell Town-owned land on Kensington Drive
- Art. 14 - sell Town-owned land on Littleton Road
- Art. 15 - sell Town-owned land on Jensen Street to provide access to a property
- Art. 16 - intermunicipal agreement between Town and Lowell to operate traffic light at Drum Hill Rd. and Parkhurst Rd.
- Art. 17 - re-zoning for Meeting House Road
- Art. 18 - re-zone for Riverneck Road
- Art. 19 - Board of Appeals - expand within existing footprint
- Art. 20 - Adult Entertainment
- Art. 21 - Amend zoning by-law Adult Book Store
- Art. 22 - Renovate Old Town Hall
- Art. 23 - Old North Town Hall
- Art. 24 - repair Freeman Lake Dam - hopefully can be done within the budget
- Art. 25 - prohibit feeding of water fowl
- Art. 26 - prohibit newspaper vending boxes on sidewalks
- Arts. 27, 28 and 29 - submitted by the Moderator; changes in procedures used re motions

Mr. Lawlor cautioned to be careful with the language on the library article - that it be satisfactory to both the state and bond counsel.

Mr. Lynch will schedule discussion of golf course improvements for December or January.

Under BOS Liaison Reports/Referrals, Mr. Dalton read a report of the Cemetery Commission activities.

Mr. Dalton reported that the Traffic and Safety Committee will be talking to the State about Vinal Square, and they are also doing a new plan for the relocation of all Dalton Road trees.

Middlesex County Advisory Board - Mr. Lynch said that the Advisory Board is recommending that county government in Middlesex County be changed, that the 3

member Board be abolished and be replaced with legislative reps from each community and there would be a County Manager. There will be a Public Hearing in Lowell on Oct. 17.

Mr. Dalton asked for classification figures from the Assessors. Mr. Lynch said they have moved forward with interim re-evaluations and the values of splits, ranches and condos have gone up.

Mr. Dalton said he wants last year's, this year's and a projection of values for next year. Mr. Lawlor said that statutorily they can't do forecasting.

Mr. Dalton asked about the Exxon station on Drum Hill Road. Mr. Lynch said we have asked for a report - that it is partly in Chelmsford and partly in Lowell. Mr. Lynch said we have asked for a report and Mr. Dalton said their restrooms are unlocked at all times and there is drug trafficking.

Chief Caron said we've made several drug arrests. They do keep the bathrooms locked and give out the key, but addicts do get in. We respond when they call us. The building is in Lowell but they pay taxes to Chelmsford. If they call 911 they get Chelmsford.

Ms. Gates commended the Library Trustees and staff for getting their grant, and said that they had a very successful book sale.

She, Jim Good and Bernie Lynch attended the last NMCOG meeting and she enjoys working with them.

She said there are no issues with the Planning Board. She reported for the Cable TV Commission that Matt Scott and Tom Peterson are doing a great job, as are the volunteers.

Dr. Weisfeldt reported that the Master Plan Committee will have an interim report but probably no warrant articles. They want Chapters 61A and B land to come before Town Meeting, not just the BOS.

He reported that the Sewer Commission is holding a Public Meeting on Sept. 25 on grinder pumps.

He thanked the Police and Highway Depts. for their help with the Library Book Sale.

He said the School Committee is still looking into having cameras on school busses,

Mr. Lawlor reported that the LRTA is meeting Thursday night.

He announced that there is a meeting Tuesday, October 1 at 7:30 at the Senior Center to discuss the bikepath/walkway at Southwell Field, and thanked Mr. Dalton for his help in organizing the meeting.

Mr. Lawlor said he attended Employee Recognition Day and it seemed to be very well received and appreciated.

At 9:50 p.m. motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Executive Session to discuss litigation, collective bargaining and real property. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

J. L. E. Oster

Meeting of the Board of Selectmen held Tuesday, October 1, 1996 at 7:30 pm at the Senior Center on Groton Road. Board members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present. The meeting was with residents of the Williamsburg Condominiums and other residents of North Chelmsford.

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Chairman Lawlor opened the meeting and thanked everyone for coming. He said we want to hear each other's thoughts. He introduced the BOS and thanked the Association Trustees, who have been very diligent in putting this meeting together.

Mr. Lawlor said that what we're talking about is Southwell Field, which most present know is taking a right turn onto Wotton Lane from Vinal Square. There are 26 acres of Town-owned land which are softball and soccer fields. The other land that abuts it is an unsightly factory and Trust-owned land that is the new location for the Lighthouse School, the railroad, the 2 Williamsburg condo groups and other condos. He said we are not talking about any of that other land, only the Town-owned land.

Mr. Lawlor stated that the BOS will take no land by eminent domain from any abutter, the Board has all agreed to this and now we can proceed from there. He said that the Town has owned the 26-acre Southwell Field land for many years. In 1976 the Town obtained state and federal monies to clear the fields. There are some uplands and some wetlands. The BOS began talking a couple of months ago as to what the Town could do to make the land more useable and attractive to residents. The Board has seen it from the river and also some have walked it. We have discussed with the Town Manager the possibility of a path and asked him to do some preliminary internal rough outlays.

The Board has only discussed a path within our Town property. We've heard many of your concerns - that the path may run through Williamsburg property, and that is not true, we don't have the right to do that. We have heard concern re the increased use of this Town property - increased traffic, noise, security buffers. We want participation by each group involved at each step along the way, and we want to make sure that your concerns are heard. The plans tonight are in a very young stage, with no landscaping or erosion control. There is a certain amount of erosion, with a lot attributed to the hydrodam in Lowell.

He asked Town Manager Lynch to describe the history, plans and how the process would work.

Rose Sergi, 427 Wellman Ave. said that many are here tonight because they thought Mr. Lawlor's intent was to run a bike path through Williamsburg. He should have sent a letter saying he was misquoted in the press. A lot of people are here because they didn't know the Board's intention and all we want to hear is that the papers are wrong and Mr. Lawlor is right. Mr. Lawlor told her that it is not nor ever has been his intention to run a bike path through Williamsburg.

Mr. Lynch gave the history of the project and said that people have only heard about it in the past couple of months. He is hoping that it is only a small part of a much larger plan in improving recreational facilities.

In the 1960's the Town bought land from the Wellman Trust to build the Chelmsford version of Duck Island, which never happened. In 1975/76 the Town developed a plan for recreational facilities and brought in a planner. Southwell Field was the most exciting, with more softball fields, soccer fields, boat ramp and river walkway. The 1976 plan showed a trail system for Southwell. In 1982 he applied for a grant for Southwell and got state and federal monies.

In 1985-86 they put lights on the fields, put in 2 more fields and the boat ramp and pavilion, but couldn't do all we wanted to. In the late 80's and early 90's there was a lack of revenue on the Town's side. The boat ramp is now at the mouth of Deep Brook. He showed a rough sketch of the river trail, a one-mile trail that would loop around. A concern is proper buffers between the path and Adams Farm and Williamsburg. We walked the area with the Williamsburg Trustees and the path wouldn't go too near Williamsburg. We're proceeding with plans to find out the impacts of the path and need to put the whole plan in perspective, what the path would look like and cost. Rivers are a crucial part of our environment and we are concerned with erosion problems at Southwell. We want to dovetail the path with erosion control and will look at state and federal resources and determine whether to go ahead or not.

Mr. Lawlor then asked the Chairmen of the Trustees of the two Williamsburg Condo Associations if they wished to speak.

Bob Liddell, CH of Williamsburg II Trustees said this has been a long process, like a roller coaster ride. He gave a slide presentation of various media articles, and said that the residents were incited when Mr. Lawlor said he would like to go as far as Tyngsboro with the bike path, and also the eminent domain words incited everyone. He said that at the BOS meeting on August 23 they were incensed by remarks and attitudes of Mr. Lawlor and Ms. Gates. They arranged for a walk through with Mr. Lynch, Mr. Lawlor, Mr. Dalton and the residents. Scott Whitney, 702 Wellman Ave. said they had asked the BOS for a signed letter on their letterhead in favor of the Lighthouse School.

Mr. Liddell continued that the Williamsburg concern is that the Town appear to be building a trail on private property, with close proximity to homes. If the nature path is used as a bike path and paved 5' wide, it would run 30 - 40' from resident's decks. There would be a loss of unit owners property values, since they paid \$7500 extra for waterfront units. There are safety issues - the path would have to end at the end of the Williamsburg II property, and we have our own parking problems there now. He has contacted the towns along the Minuteman Bike Path, and Arlington said they have had 20 incidents of crime since 1/1/96, Bedford keeps no records and Lexington will mail their report, not Fax it.

There is concern about tree cutting and erosion, and if the path ends at their property line, people would cross over into our property.

The meeting was then turned over to Ann Marie Anderson, CH of Williamsburg I Trustees. She thanked the BOS for meeting with them, and said that Bill Dalton is always ready to listen to them. They are concerned about the public picture that has resulted from all of this. She said that the reason people moved into

Williamsburg was with the thought of becoming Chelmsfordites and they are only protecting their property rights. We give the Town \$1.1 mil in taxes, each unit is taxed as a single family home. We pay \$100,000+ for snow removal, and the Town doesn't provide lighting, maintenance or plowing. We are not concerned with Southwell Field but with private properties. We have been told that you can't believe what you read in the press but the BOS has given no retractions. A paid Town official said that the path could move onto Williamsburg.

Ms. Anderson continued that our concern is that the image has been created of a Town divided. The BOS should not pit one section of Town against another. Our sires fought for the right of personal property and it should be the Town protecting each of the resident's rights. She asked the BOS and residents to judge every issue as they would like to see on their own property.

Sue Whitney and Cindy Reynolds presented petitions to the Board containing over 500 signatures.

Mr. Lawlor then said that the Board repudiates the idea in the Paul Sullivan article in the Lowell Sun, that it is an us against them proposal and the article was divisive.

Selectman Gates said she would like to make a statement - that the only reason she is saying anything tonight is that she wrote a letter on Sept. 18 to their counsel Charles Perkins, which she read, and also a letter from Atty. Perkins dated Sept. 30, indicating that the BOS has no desire to take any property by eminent domain. Ms. Gates apologizes that she can't control the newspapers.

Jim Toscano, Property Management of Andover for Williamsburg II, said he has heard nothing except copies of the letters from Ms. Gates and Atty. Perkins. He said that re the letter referenced by Mr. Lawlor it was Faxed and mailed on August 27 and received on Sept. 9th. He said it should be simple for the BOS to write a letter to the newspapers. He asked if a committee is to be set up that they want residents of Williamsburg to be involved.

Charles Harrington, 184 Wellman Ave. said that he sold real estate in Lexington and re the Minuteman Bike Path/walkway it becomes a highway on weekends. The residents had screening but you could see breaks in the screening. He saw an article that living on the bike path has increased the value of property, and this is not true - values went down. People parked in business parking lots, anyplace there was access to the path. He feels that one of the best accesses to the proposed loop trail around Southwell would be through the Williamsburg property and we would have to put up barriers.

Mark Connors, 61 Dunstable Road, said he doesn't understand all the hoop-la. He thinks Mr. Lawlor's idea is a good one, a benefit to the Town. He uses Southwell Field a lot, and there is already a path to Williamsburg. A lot of the arguments don't make sense, and we should all become more informed. Lots of people have said uninformed things tonight. We're not talking about a Minuteman Bike Path, but a community walk.

A resident asked how far is the proposed Southwell Field path from Williamsburg property, and Mr. Lynch said 75 - 100 yards.

A resident who had moved from Bedford had lived on the Minuteman Bike Path and said her insurance rates went up and her lawn became a parking lot. There is a safety concern.

Mr. Lawlor said that the trustees are very concerned and it will be the responsibility of the Town to keep security - buffers, lighting, etc. She said there is some confusion still - if the Town is really not going to build on Williamsburg land, can the BOS take a vote tonight?

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. that we as a Board never authorize the taking by eminent domain or purchase or any other means any property belonging to Williamsburg I or II. Mr. Lawlor read a motion drafted by Mr. Liddell and said that he himself is not Town Counsel but as an attorney he knows that we cannot bind future boards, and Ms. Gates motion says all that we can do.

A resident said we should let the papers know that living at Williamsburg is not a bad thing. Another resident complained that 350 kids trick or treat in our neighborhoods.

Jeffrey Stallard, 138 Tyngsboro Road, noted that two meetings ago one BOS member made a motion that the BOS discuss nothing with the press that has not been discussed with the other members but the motion was defeated.

Another woman commented on the Paul Sullivan article in the Lowell Sun, and Ms. Gates urged the residents to Fax, phone or write to Kendall Wallace, Managing Editor of the Lowell Sun. She said that we don't control the newspapers and she can't apologize for the articles.

Mr. Lawlor stated that the project is too infantile now, that we would have to have any plan approved at Town Meeting, and then would solicit the public will of the people. The other bike path in Town, the Freeman Bike Path, was funded by the State along the old railroad bed. Mr. Lynch noted that the Middlesex Canal path is not our project, and he doesn't feel that people will drive and park to bike or walk on a 1-mile loop around Southwell.

Bob Liddell gave the Fax number for the Lowell Sun and said that if 10 residents sign a petition to put more study into a path through Southwell Field it could go on the Warrant for Town Meeting. Mr. Dalton told him that if it is a Town Meeting article it would be done in the Spring of 1997 with possibly 2 new Board members. The BOS can't stop any petition article but can only make recommendations. Mr. Liddell noted that we have had 155 additional people from Williamsburg register to vote. Mr. Lawlor told the residents that an eminent domain taking comes from the Executive body of the Town, but as a Board we can't be forced to take property by eminent domain through a warrant article.

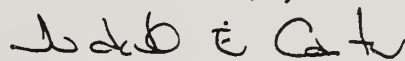
A resident wanted to talk about the path along the railroad tracks and Ms. Gates told her that there would be public hearings on the Freeman Bike Path sponsored by the State. Mr. Lawlor said that we are looking into the safety of the railroad tracks.

The public hearing ended.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. that the BOS authorize all articles on the draft warrant as submitted by the Town Manager be placed on the warrant for the October 21 Fall Annual Town Meeting.

At 9:15 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adjourn.

For the Board of Selectmen, by



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Joint meeting of the Board of Selectmen, Finance Committee and School Committee held Thursday, October 17, 1996. BOS members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. School Committee members present were: Mary Frantz, Judy Mallette, Wendy Marcks, Angie Taranto and Tony Volpe. FinCom members present were: Barbara Skarr, Susan Olsen, Clare Jeanotte, Marcia Dobroth and Dwight Hayward. Town Manager Bernard Lynch, Supt. of Schools Dick Moser and School Business Manager Bob Cruickshank were also present.

Chairman Lawlor called the meeting to order at 7:15 pm, stating that it is an annual rite for the 3 Boards to meet together. This past summer he, Bernie Lynch, Mary Frantz and Dick Moser met in an informal but productive meeting.

Dr. Moser handed out a School Dept. information packet and said that after their meeting with the FinCom he realized that we need an understanding of the long term issues. he said that the School Dept.'s interpretation of where they are now is that after the Spring ATM they thought they had \$29,516,635, including \$75,000 credit for Medicaid. The reimbursement for the Charter School at 100% had an impact on the State Aid formula, and they learned that their budget would be \$29,112,552 plus an allocation of \$120,000. Their budget is now \$225,000 less than was voted at Town Meeting.

There are 13 fewer students enrolled in the public schools than last due to 147 enrolled in the Charter School but they let 5 teachers go, anticipating less enrollment. He showed the number of pupils per classroom, noting that they average 30 per room. The ideal size would be 25 or fewer in grades 2, 3 and 4, preferably 20, and ideally there would be no more than 25 in the Middle and High School classes. They need more support for technology teaching. Dr. Moser said that they haven't settled with the custodians' union and have no funds to settle. All their other contracts are settled and funded, in the second year of 2-year contracts.

Dr. Moser said those are the issues for this year, and should they ask for their voted budget of \$29.5 mil. The biggest issues are not this year but next year. He then went over the long term issues: program planning expectations, Charter School reimbursement, Medicaid monies, union negotiations, enrollment increases of +1,000 students over 7 years, Center School operating expenses in FY20 and State Mandated Programs - more hours for High School students and recertification expenses.

Mr. Lawlor said we should defer long-term discussions for later on, and focus on where we are right now.

Ms. Frantz said they are looking to the Town Manager for \$275,000 and he has allocated \$254,000. We've more or less agreed as a Board to accept the \$21,000 less but do have real needs and politically don't know which way to go. Ms. Marcks said we also want to know what the Town's needs are.

Mr. Dalton asked how they project future needs and Ms. Mallette said it is based on the birth rate and the history as kids go on to the next grade. Ms. Frantz said the birth rate last year was 391 and the number entering kindergarten was 385. She gave

the birth rates for the past 5 years.

Mr. Dalton asked what is the projected budget for FY97/98 and Dr. Moser said he hesitates to put out a figure yet and will know more in 3 months.

Mr. Lawlor said that right now the budget is \$29,232,522 and the issue appears to be overcrowding and he asked: 1. what amount over that would we look at, and 2. what would that amount buy us. Mr. Lynch said #3 - where is the money coming from.

Mr. Lawlor asked what is responsible for everyone to do - what is the number the School Committee feels they need to fulfill their responsibility to the children - to add \$224,000 to bring it back to \$29,516,635?

Mr. Dalton commented that we as Town Manager and a Board have to be responsible to the rest of the community. Mr. Lynch said there is only so much that we can do - that there is a \$400,000 loss in State Aid, but the practice has always been that when there is an increase it has gone back to the Town. He had hoped the Town could absorb \$200,000 but now finds that we can't provide more than the \$120,000 + \$59,000 from additional Medicaid monies.

Mr. Lynch went over his FY97 budget analysis and said it shows less growth than anticipated. We want to give back \$781,407 as a cut in the tax rate. We have \$1,250,017 in available funds and are going out on a limb by raising anticipated receipts.

On the expenditure side we need money for 100 police and firemen; capital expenses for the DPW to fix the Freeman Lake Dam and build a storage shed at the Country Club; a warrant article to put \$250,000 into the Stabilization Fund. He met two days ago with the Finance Director, Town Accountant and Assessors and to get \$225,000 we would have to abandon our plans for tax relief and building up the Stabilization Fund. We made a commitment at Town Meeting to build up the Stabilization Fund to \$3,000,000 and then start drawing from it. He went back over previous years' Free Cash, noting that we average about \$1 mil. per year.

Mr. Lawlor said that as Ms. Frantz said, this is a political decision. The School Dept. is not slothful and Mr. Lynch is not stingy and mean.

Ms. Gates said we would either have to modify the figure to reduce taxes or be out the money to put in the Stabilization Fund. Mr. Lynch said we are trying to put \$750,000 each year into Stabilization. Ms. Gates said do we stick to our plan or put our projection into the future. In her mind it can't come from Stabilization, so - do we go back on our word in reducing taxes.

Sue Olsen commented that when the School Committee met with the FinCom they said they could absorb the \$21,000 and then asked if their unfunded needs are prioritized, and do they have \$ figures. Ms. Mallette said if the money comes in at a lesser rate they will have to shift priorities. Ms. Olsen asked if the \$200,000 is not available, what are their bottom needs and if they received \$100,000 on Town Meeting

Floor what would they do with it. Ms. Mallette said they would have to decide between their 4 unfunded needs. Ms. Mallette feels the Town can afford to close the gap for the School Dept.

Mr. Volpe said that seeing the Town has more money raises two big issues - long term needs vs. short term needs. If we got the money and brought our budget back to \$29,516,635 it would solve the short-term issue but the \$1 mil loss from the Charter School is a long-term issue. There is \$750,000 there and if it all went back to the taxpayer, how much benefit would there be - is there a benefit to modify what you give back to the taxpayer? Mr. Volpe is not looking at a political decision, but what is best for the kids and for his home and Town.

Mr. Lynch responded that our idea of a long term plan is to provide more in the Stabilization Fund and to provide tax relief.

Ms. Gates said she thinks we should leave it the way it is - to go against what we've promised for the future goes against our credibility. We made a commitment when there were 5 of us, and she wishes we had more money for the schools.

Mr. Dalton said it sounds like we're putting a 3" band-aid on a 12" gash, and we need to explain to Town Meeting and the taxpayers. He asked about next year's budget and Dr. Moser said that a 2% increase would be \$500,000. Ms. Mallette asked if the Board could keep their commitment at a lower level and help the School Dept. out this year. Mr. Dalton told her that you came here to talk, but won't look into the future, and next year you'll ask for more. Ms. Gates said if they leave it as it is now, they may have more credibility next year.

Dr. Weisfeldt said he has listened to the discussions on class size and mentioned the "bubble" classes in the late '70's and early '80's and would like to see figures as to what has happened to those kids. We don't want to get carried away with class size and don't want to blow a hole in the budget.

Ms. Jeanotte said two weeks ago she thought the FinCom and School Dept. had decided not to go for additional money and that asking for another \$225,000 will annoy the taxpayers.

FinCom Chairman Skaar said that there are repercussions for every action we take. We need more numbers and to be better informed. Ms. Mallette said we're asking you to get us through this year and Ms. Skaar asked if we will always be reducing the amount of money to give back to the taxpayers.

Mr. Lawlor said taxpayers will ask how can the Townspeople be convinced that they're getting the best value from the School Dept. We need to operate an efficient, economical School Dept. and do they have data on per pupil expenditures, how many students are going to college, etc.

Mr. Dalton said we've spent the better part of two years asking the Community how are we doing, are we going in the direction they want us to. We don't want to just

tread water but to move forward so our kids will be productive citizens. The decision is up to the Townspeople, it is our job as elected officials to lay out our needs and objectives.

Ms. Olsen and Ms. Skaar said that this whole presentation is a surprise to us 5 days before Town Meeting. Two weeks ago they weren't bleeding to death. Ms. Frantz told them they didn't know where the FinCom stood when they didn't put their recommendation in the Warrant Book. Ms. Skaar said they thought the discrepancy was only \$21,000.

Mr. Lawlor said the School Committee has put out an argument to increase their budget to \$29,516,635, and will we shift \$224,961 from some other source. Does the will exist on the FinCom and BOS to increase it?

Ms. Skaar said the FinCom will discuss this prior to Town Meeting and make their recommendation then.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, that we support the Town Manager's original proposal to give them a total of \$254,152. Mr. Lawlor said he won't be joining them in the vote because he thinks the School Committee has given some convincing arguments tonight. Vote on Ms. Gates motion was 3 in favor, 1 opposed (PVL).

Mr. Lawlor said re long term issues, the numbers are so soft we can't have productive discussions tonight. The School Dept. budget has gone up \$6.5 mil over the past 4 years, and Ms. Frantz said that it will go up at least \$1 mil without any new initiatives.

At 9:20 pm Chairman Lawlor said the BOS is adjourning to their own meeting.

For the Board of Selectmen, by

Judith E. Carter

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96 NOV 19 PM 4: 25
TOWN CLERK

Meeting of the Board of Selectmen held Thursday, October 17, 1996 at 9:25 p.m.
Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and
William F. Dalton. Town Manager Bernard Lynch was also present.

Mr. Lawlor explained his vote on the School Dept. matter, and Mr. Dalton explained why the other 3 voted as they did.

The Board then voted on their recommendations on the Warrant Articles for the Oct. 21st Fall Town Meeting:

1. Hear Reports - motion by SJG, seconded by SGW, unan. to recommend.
2. Rescind Golf Course Funds - motion by SJG, seconded by SGW, unan. to recommend.
3. Revoke Sewer Borrowing Funds - motion by SJG, seconded by SGW, unan. to recommend.
4. Transfer to Stabilization - Mr. Lynch said this is what we've included in our plan to get up to 5% of our operating budget in the Stabilization Fund. Motion by SJG, seconded by SGW, unan. to recommend.
5. Free Cash - Mr. Lynch said we are recommending using \$570,000 to keep the total taxes level - there would be a tax rate drop from \$19.66 to \$19.39. Motion by SJG, seconded by SGW, unan. to recommend.
6. Library Funding - motion SJG, second SGW, to recommend. Mr. Lawlor asked if out of courtesy or consistency should the voters be able to vote on it. Ms. Gates said this is neither an override or exemption because it doesn't elevate the tax rate. We can't take advantage of the grant if this funding is not voted. Mr. Dalton felt we should go back to the people because they feel this is a back door approach because they were asked to vote on it once. The Library said they would do a survey to find out why people turned the addition down last time, but they never did. Vote on the motion to recommend was 3 in favor, 1 opposed (WFD) Mr. Lawlor said he will tell Town Meeting floor the vote
7. Design addition to Police Station - should be put in place to get the DeJuga bill - motion by SJG, second SGW, unan. to recommend.
8. Fund Hepatitis B shots for school children - Glenn Thoren is going to amend from the floor. Motion SJG, second SGW, unan. to recommend as is.
9. Previous year's bills - motion SJG, second SGW, unan. to recommend.
10. Medicaid Transfer - motion SJG, second SGW, unan. to recommend.
11. Amend Operating Budget - Mr. Lynch went over changes to the operating budget. Motion by SJG, second by SGW, unan. to recommend.
12. Collective Bargaining - Mr. Lynch said this will be withdrawn.
13. Sell discontinued road off Kensington Drive - motion SJG, second SGW, unan. to recommend.
14. Sell land on Littleton Road - motion SJG, second SGW, unan. to recommend.
15. Sell land on Jensen Avenue - to be withdrawn - Conservation Commission does not approve.
16. Pay portion of operating costs for Drum Hill Traffic signal - motion SJG, second SGW, unan. to recommend.
17. Re-zone land on Meeting House Road - will generate an additional \$20,000 in property taxes and the Planning Board will recommend. Motion by SJG, second

SGW, unan. to recommend.

18. Re-zone land on Riverneck Road - Planning Board does not recommend. Motion by SJG, seconded by SGW, unan. to defer recommendation to Town Meeting.

19. Board of Appeals Amendment - Planning Board approves. Motion by SJG, seconded by SGW, unan. to recommend.

20. Adult Entertainment - done by Planning Board and toughens up existing by-law. Motion by SJG, second SGW, unan. to recommend.

21. Adult Book Store Definition - motion by SJG, second SGW, unan. to recommend.

22. Old North Town Hall - petitioner Jeff Stallard was present and said he will withdraw this article.

23. Old North Town Hall - Mr. Stallard said this said this article gives the Town a 2-year period to try to save the building. He said, when asked, that he would not be opposed to one year. Motion by SJG, second SGW, unan. to recommend.

24. Freeman Lake Dam - Mr. Lynch said it will be withdrawn since it is included in the budget amendment article. Motion SJG, second SGW, unan. to defer to Town Meeting.

25. Feeding of Waterfowl - Town Counsel has said it is legitimate. Motion by SJG, second SGW, unan. to not recommend.

26. Removal of Graffiti - submitted by the CBA. Mr. Lynch said it constitutes a public nuisance and has been found to be enforceable. Motion by SJG, seconded by SGW, unan. to recommend.

27 - 29. Moderator's articles - motion SJG, second SGW, unan. to defer recommendation to Town Meeting.

Dr. Weisfeldt asked about the appointing of a Planning Board member, and Mr. Lawlor told him that they are interviewing candidates at their meeting on October 23rd at 7:00 p.m. BOS members are welcome to attend.

At 10:15 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Carter

Regular meeting of the Board of Selectmen held Monday, October 21, 1996 at the Senior Center, Groton Road. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

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ST. HILAIRE
TOWN CLERK

Chairman Lawlor called the meeting to order at 6:55 pm, noting that a majority of the Board was present. Selectman Dalton arrived at 7:05 pm.

Mr. Lynch reported that the Town went into a State of Emergency at 12 noon today because of the heavy rains and flooding. This way we could work with FEMA. Many streams have flooded roadways, and the Police, Fire and DPW departments have been working through the night. This is the second worst rain storm in 126 years.

Under Appointments, Mr. Lynch said he has made the following appointments: John Clancy, 53 Ansie Road, to the Commission on Disabilities. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this appointment. Elizabeth McCarthy, 48 Bartlett Street, to the Council on Aging. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this appointment. Robert Morse as the Planning Board rep to the Traffic & Safety Committee, replacing Kevin Clark. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve.

Mr. Lawlor said that even though the Board voted on Warrant Articles on October 11th, we can re-vote any that we feel are necessary.

John Bush, Nynex Engineering, was present with a joint petition from New England Telephone and Mass. Electric to place one pole on Hildreth Street. DPW Director Jim Pearson has approved. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this petition.

Mr. Dalton joined the meeting at 7:05 pm.

Jack Scott, Mass. Electric, presented a petition requesting the placing of 2 4" conduits along the shoulder on Apollo Drive to service a new company. DPW Director Pearson has approved. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this petition.

Mass. Electric's second petition was for 2 4" conduits on Trailside Drive. Mr. Pearson approved this plan. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this petition.

Mr. Lawlor said the BOA has received a letter of interest from Susan Carter, Conservation Commission, for the vacant seat on the Planning Board.

Mr. Dalton asked if anyone had talked to Jim Pearson on the Sonny Avila matter, and Mr. Lynch said he will talk to Mr. Pearson later this evening.

Mr. Dalton said he had worked on the Fire Dept. today and they had many, many calls today re flooded basements. Ms. Gates said she did not know that the Fire Dept. provided a pumping service and Mr. Dalton said they have pumps for residents use, and as soon as a pump came back today it went out again.

At 7:15 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. that the BOS adjourn to Town Meeting.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
96 NOV 19 PM 4:25

Regular meeting of the Board of Selectmen held Monday, October 28, 1996. Members present were: Peter V. Lawlor, Susan J. Gates and Stuart G. Weisfeldt. Selectman William F. Dalton was absent due to illness. Town Manager Bernard Lynch was also present.

Ms. Gates presented a Certificate of Appreciation to Paul M. Logan for 10 years dedicated service to the Commission on Disabilities. Mr. Logan said he tried to pay back to the Town all they have done for him and said that he is moving out of Town in the spring. Mr. Lawlor said he credits Paul for pushing the Board and the Town in a way we needed to be pushed - he improved our awareness of people with disabilities. Mr. Logan said that over the years the Commission on Disabilities will mean a lot to the Town - the Town could have been sued many times. The Merrimack Valley Towns look towards Chelmsford as a leader and the Town should be glad to have the Commission and a paid ADA coordinator.

Ms. Gates read 3 Certificates of Appreciation to Rose Arakelian, Madelon Clough and Maureen Evans for their service to the Council on Aging. They could not be present at the meeting and their certificates will be forwarded to them.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim the week of Oct. 28 - Nov. 2 as Hunger Homeless Week. The proclamation was accepted by Sandy Donovan, who said that we are the first community to recognize suburban poverty. She thanked Mr. Lynch for allowing the Food Pantry to stay at the Community Center until March, and said that the number of people receiving food is increasing every month. She asked members to participate in a Walk on Sunday, Nov. 3, noting that Trinity is donating ambulance service and the Fire Union has donated \$100. She then presented a Certificate to the Town from the Hunger Homeless Commission. Mr. Lawlor said that he serves as President of the House of Hope in Lowell, which is a beneficiary of the Hunger Homeless Commission.

Under Town Manager Reports Mr. Lynch reported that the Town Hall Home Page is up and on line in conjunction with NetDay on October 26.

Under Contract Awards, he said that DPW Director Jim Pearson is recommending awarding the bid for the 1/2 ton Pickup to Liberty Chevrolet in the amount of \$22,497 and the 1 Ton Cab & Chassis to Framingham Ford in the amount of \$22,958, since the low bidder did not meet the specs for minimum horsepower on the engine.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the awarding of the bids as recommended by the DPW Director.

Mr. Lynch said that we can't go through a pool on these purchases like we do with Police cruisers, but they were approved in last year's Capital Planning budget and it is policy that the vehicle being replaced by the pickup will go to the library and the 1-ton will go from the Highway to the Parks Division.

Under Scheduled Business Bob McLean, representing Continental Cablevision, said they have just moved into 330 Billerica Road and are putting in standby generators for their computers. They are applying for an aboveground fuel storage

license of 1,000 gallons of diesel fuel. The Fire Chief has approved the application. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this application.

Mr. McLean told the Board that 95% of the construction is done, they will start moving in November and hope to be all moved in by January. There are 2 shifts now, and maybe will be 3, and they will have 400 people eventually. Mr. Lynch said we are looking forward to getting the update to fiber optic cables.

Under Unscheduled Business, motion by Ms. Gates, seconded by Dr. Weisfeldt, unan., to approve two (2) requests from St. Vartanantz Armenian Church for one-day All Alcoholic licenses: Dec. 8 from 12 to 5 pm. and Dec. 31 from 6:30 pm to 1 am.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve a one-day request for an All Alcoholic license for St. John the Evangelist Church for an Art Auction on Saturday, November 2 from 6:30 to 11:30 pm.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve a Roadside Vendor's license for the Central Congregational Church to sell Christmas Trees in their parking lot from Nov. 29 to Dec. 23, from 9 am to 9 pm.

BOS Liaison Reports:

Ms. Gates said the Planning Board wants to be updated on the Sign By-law. They asked about a date for appointing someone to the vacant seat, and Mr. Lynch said they have asked for a date of November 4th.

She said the Library Trustees are thrilled that the articles passed, and she has nothing to report from the Cable TV Commission.

Dr. Weisfeldt reported that the Landolphi suit against the School Committee has been dismissed and he wants the media to note this.

He thanked Cisco Systems, SunMicro Systems and DEC for their help on Net Day in wiring up the McCarthy School - they were on line by 12 noon.

Dr. Weisfeldt said he has received several calls re political signs during campaigns - oversize and too close to the road. Mr. Lynch said the Building Inspector has cited a number of people. Ms. Gates commented that everyone who puts up political signs is short-term and the Building Inspector doesn't have time for long-term issues.

Mr. Lawlor reported that the EDP met last Friday, his first meeting as BOS liaison. They discussed the Chelmsford Mall, where the occupancy rate is a little weak and does the owner have any strategies to attract more shops. They discussed that SunMicro has been looking to move to other communities but Mr. Lawlor said that we'll still be in good shape - That we are becoming a "hot town", that we are close to the highways, encourage business and have a fair tax base.

Mr. Lawlor said that he couldn't go to the LRTA meeting last Thursday because of our own Town Meeting.

Mr. Lawlor concluded that he is proud of the way Town Meeting went, that the quality of the discussions was high and that Town Meeting members should also be proud.

Kathy Frazer, Nynex Right of Way Agent, was present with 4 petitions.

The first petition was for 125 feet of underground conduit and the second for the rearrangement of 3 telephone poles on Drum Hill Road. They will be removing 3 poles and replacing 3 poles going into Slaughter House Road.

The Apollo Drive petition is service for new construction at 200 Apollo Drive - underground conduit, but they are trying to get an easement.

Fairview Street, off North Road, place 110 feet of underground conduit, near Hollow Ridge Road.

Ms. Gates noted that there is a memo from Jim Pearson re the placement of poles on Drum Hill Road. Ms. Frazer said that these should be staked in the field prior to the hearing and Nynex has no problem with Mr. Pearson's recommendations. Ms. Gates asked about the underground conduit on Drum Hill road and Slaughter House Road, and Ms. Frazer said the heavy line is what we are proposing. P means pole location for new construction, and we try to place conduit on new construction.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve Plan 904, Drum Hill Road, contingent upon Mr. Pearson's recommendations.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve Plan 906, Drum Hill Road. Mr. Lynch reminded that all work in roadways has to be completed by November 15th.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve Plan 905, Apollo Drive.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve Plan 907, Fairview Street.

Mr. Lynch said that Mr. Dalton has asked about the status of double poles from Bob Grassia and Ms. Frazer told the BOS that the phone company is still in a state of emergency after the storm last week.

Mr. Lawlor said that he wants to praise the DPW on Davis Road, which is now completed and it is a model - wide, nicely done and the sidewalks look great.

Ms. Gates said that she went to the Cultural Council Coffee House on Saturday and it was a lot of fun for every age group. They gave the Angels of the Arts Awards to Peggy Dunn and Dave Allen. She also attended the Poetry Slam at the Carriage House, which was so successful they need a larger meeting space.

Jack Moynihan. Mass. Electric was present re a petition to install primary cable on Concord Road and Trailside Drive. This petition had been postponed from an earlier meeting but a search of the records indicated that it had been heard and approved by the Board on October 21st. The BOS apologized for any misunderstanding.

At 8:05 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Executive Session to discuss pending litigation. The Board will not be returning to Open Session. Roll Call vote was as follows: SJG-Aye; SGW-Aye and PVL-Aye.

For the Board of Selectmen, by

John E. Cate

RECEIVED
96 NOV 19 PM 4:25

Regular meeting of the Board of Selectmen held Monday, November 4, 1996 at 7:00 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton.

Chairman Lawlor called the meeting to order at 7:00 p.m. noting that there had been a devastating accident in Town over the weekend, seriously injuring Benton Burgess and his 4-year old son. He asked for a moment of reflection for them.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim Monday, November 11, 1996 as Veterans' Day in the Town of Chelmsford. Ms. Gates read the proclamation.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim November 21, 1996 as Great American Smokeout Day in Chelmsford. Ms. Gates read the proclamation.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim November as Hospice Month in Chelmsford and the greater Lowell area. Mr. Lawlor read the proclamation.

The Board then held their Annual Classification Hearing. Mr. Lawlor said that this is an annual rite with the Board of Assessors and the Selectmen and explained that we have two classes of taxed property - residential and commercial. Assessor Diane Phillips said we have given the Selectmen much of the same information as last year - that the Assessors don't recommend, only give information to the BOS.

Ms. Phillips said that in FY96 the flat rate was \$19.85, but with classification at 4% the residential rate was \$19.56 and the Commercial Industrial Property (CIP) rate was \$20.64. Ms. Gates noted that last year we went from 5% to 4% and you have given us options of 4%, 50% and 10%. Ms. Phillips said that Chelmsford can't do more than a 50% shift. With no shift the flat rate would be \$19.55.

Mr. Lawlor asked Ms. Phillips for residential changes this year and she said that the valuation of ranches, raised ranches and town house-style condos have gone up. Mr. Lynch explained that we have tried to avoid peaks and valleys by re-valuing more often than every 3 years. In the 1990's the burden has shifted to residential property, and CIP is 19% of the total tax levy. In FY98 we have a total reval, and we hope to see the CIP values go up.

Mr. Lynch said his recommendation is to keep the 4% shift set last year and next year we may be able to provide additional flattening. Mr. Lawlor said that last year we received and adopted the report of the Tax Classification Committee and their goal was to come to parity.

Douglas Hausler, member of the Board of Directors of the Chelmsford Business Association (CBA) said he was pleased to see a majority of the BOS last year start a gradual elimination of the 5% differential, and had hoped for another 1% drop this year. There is a lower commercial vacancy rate and higher residential evaluation.

There will be some \$750,000 relief for residential homeowners. Two newspaper articles have indicated a predetermination to keep classification the same. We feel that discrimination is unfair and ask the BOS to reconsider a gradual rollback of 1% per year until parity is reached. He added that most business owners are also homeowners in this Town.

Mr. Dalton said that the report recommended that classification be done in a timely fashion; he didn't support dropping 1% last year and still doesn't for this year. Mr. Lynch said that there is a 2.11% increase in the total levy and Ms. Phillips said that the tax rate is going down. Mr. Lynch said that most new growth this year is in the residential sector.

Attorney Hausler said that benefits as well as burdens should be shared equally and the time is right to make another 1% drop. Mr. Dalton commented that to reduce the CIP rate by 1% will have an impact on the residential rate.

Dr. Weisfeldt said that we as a Board have not taken a vote as a whole body.

Motion by Mr. Dalton, seconded by Ms. Gates, unan. to maintain the 4% split.

Ms. Gates then showed charts, asking how does Chelmsford's tax rate compare with others and how the tax rate is determined. She showed that all Town services are provided for \$16.80, plus \$2.86 in voted exemptions.

The BOS then met jointly with 5 Planning Board members - Kim McKenzie, Tracy Wallace-Cody, Eugene Gilet, James Good and Bob Morse. Mr. Lawlor said that the Planning Board has a vacancy since elected member Kevin Clark resigned and asked Mr. McKenzie what opportunities the Planning Board has given prospective candidates in filling the vacancy. Mr. McKenzie said that they announced the vacancy and 3 candidates came before the Planning Board to express an interest in filling the vacancy.

Mr. Lawlor opened the floor to nominations. Mr. McKenzie nominated Susan Carter, 47 Kennedy Drive, seconded by Mr. Gilet. There were no additional nominations.

The vote for Susan Carter to fill the unexpired vacancy was 4 Selectmen and 5 Planning Board members all in favor. There were no Nays.

Mr. Lynch then said that the BOS sets the water levels for Freeman Lake and Hart Pond, and have already set the level for the Pond. Mr. Lynch stated that this project is one that a lot of people have worked on and the Freeman Lake Society is a vital part of the process. Their concerns date back to the 1980's. Jim Pearson and Andy Sheehan have also both worked on this project.

Mr. Pearson said that the spillway is now at 121 feet, and he and Mr. Sheehan held a Public Hearing on Sept. 24 and received input from 45 - 50 people. It was much less diversified than Hart Pond hearing.

They are completing the CH253 application. They want to temporarily lower the water table to let the work to the dam be done in a dry area.

Option #1 is keeping a constant level, lowering the level 6" to 120.5, which most closely matches the level of the lake before the dam broke Option #2 is a seasonal

drawdown - cutting an opening 3 - 4' wide. Every 6" drop in the water level exposes 5 - 6 feet of shoreline. Mr. Dalton said some people wanted 1' - 18", and why not compromise at 8".

Mr. Lawlor said that Ms. Gates, Mr. Dalton, Wanda Dunn and George Merrill have all been a great help in this matter.

Mr. Lynch said that at Town Meeting we voted money to do something at Freeman Lake, and the issue before the Board tonight is what do we want to establish the level at, or do we want to be like Hart Pond, with a seasonal draindown. Mr. Pearson added that the normal level is 120.5' and he thought it was the consensus of the people at the hearing was to keep it there.

Mr. Lawlor asked George Merrill for his input and Mr. Merrill said that Dave Warden did a study and the lake is healthy as it can be and the flushing rate is 15, way above average. He said that the level of the lake in past history has never been constant - 119.5 was average in the summer when the canal was still functioning. When the canal was blocked up the level went up to 121, and he sees no value to raising and lowering the level.

Wanda Dunn asked about having a notch put in the spillway and said she agrees with 119.5 feet. Mr. Dalton asked Mr. Pearson why he is asking for 6" rather than 18", and Mr. Pearson said he has paperwork in his office indicating that the BOS signed for a 121 foot level on documents filed back in the 1920's. 18" is a rather dramatic change, and Marty's Bait Shop would be high and dry at 18".

Mr. Lawlor said we have three responsibilities: 1. residents living adjacent to the lake; 2. the entire Town who funded the dam; and 3. properties downstream. He asked if we can defer voting tonight and Mr. Pearson said he hopes to open bids on November 21st and meet with the Conservation Commission.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to maintain a constant water level.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to set the water level at a compromise level of 120 feet.

The Board then met with Attorney Chris Perry, representing Eugene Caggiano, who wants to transfer the Class I Auto Dealer's license at 170 Tyngsboro Road from Richard DeSantis to Route 3A Motors Inc. The applicant is proposing to operate the business in the same manner as it is currently. It has historically been used as an auto/motorcycle location since the 1960's, and the owner will sell Hondas, used autos and have a service and parts department. Mr. Perry said that Mr. Caggiano has been in the auto repair business for a long time and services police vehicles for Westford and Tyngsboro.

Attorney Doug Hausler asked the BOS to support this transfer. Mr. Dalton questioned the limit of 150 vehicles and Mr. Perry said the lot would hold more cycles than cars. It is a 32,000 sq. ft. lot and couldn't possibly hold 150 cars. It will be a combination of 2 and 4-wheeled vehicles.

Mr. Lynch said that at the time the license was issued the number was based on

motorcycles and that in the future we could restrict it to 2-wheel vehicles. All vehicles will be stored in the back of the building.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the transfer of the Class I Auto Dealer's license at 170 Tyngsboro Road from Richard DeSantis to Eugene Caggiano, Route 3A Motors contingent upon the following: sale of the property as outlined in the P and S Agreement; exterior lighting to remain the same, and that all servicing and storage of vehicle parts be within the building. Mr. Perry said they expect a clean 21E tomorrow or the next day.

Mr. Dalton showed two aerial photos of Chelmsford and North Chelmsford that will be hanging in our meeting room. He told the audience how to contact Paul Logan if they are interested.

Mr. Lawlor encouraged everyone to vote on November 5th from 7 am to 8 pm.

Ms. Gates said that she and Mr. Dalton were both at the Littleton Road accident and praised all the emergency personnel at the scene as being patient, professional and calm. She especially praised Police Officer Jeff Blodgett.

At 8:45 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to go into Executive Session to discuss litigation and the purchase of real property. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

Idub e. Carter

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97 JAN 13 PM 3:47

Regular meeting of the Board of Selectmen held Monday, November 18, 1996 at 7:00 p.m. Members present were: Peter V. Lawlor; Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

During the Open Session Donna Johnson, Chairman of the Holiday Decorating Committee said that Holiday Prelude will be held on Sunday, December 8, 1996 in the Center from 4 to 6 p.m. Roads will be closed from 3:30 to 7:00 p.m. The lights will be turned on at 5 pm and she asked Chairman Lawlor to give the Holiday greeting from the Town at that time. Ms. Johnson announced that North Chelmsford will also have lights on their common this year, to be turned on at 4:30 pm on Saturday, December 7th.

George Merrill, Precinct 2, addressed the Referendum Vote on the Library - Article 6 of the Fall ATM - to be held at a Special Election to be set by the BOS. Mr. Merrill said he had collected and turned in 2040 signatures calling for a Referendum vote.

Mr. Merrill said that the Charter calls for scheduling an election within 20 days of the date that the BOS calls for a Special election and State law requires 28 days. Mr. Merrill suggested holding the election within the 21 days and impounding the ballots until the end of 28 days, when absentee ballots must be in by State law.

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The Highway Division has paved 12 streets and done drainage repairs on every street that was paved. They have repaired 125 catch basins and work closely with the Sewer Division.

They worked on the Municipal Parking Lot in Vinal Square, and the sidewalk between Stedman Street and Dalton Road. Four weeks ago we had a 100 year storm when many culverts were flooded, especially in the Chelmsford Farms I area.

Mr. Pearson reported that last winter we had the highest ever snowfall - 21 plowable storms, where the normal is 11. and total of 140", average is 45". We use sand at a 6-1 mix when there is a 1" on the roads, and start plowing when there is 2' - 4' when more is forecast. We do snow removal in the two centers if there is 8" - 10". There is no parking on the streets in a Snow Emergency and no snowblowing or shoveling onto the streets is allowed. The sidewalks are cleared after the plowing is done. Mr. Pearson praised the dedication of his employees.

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Ms. Gates asked where are we with Freeman Lake Dam and Mr. Pearson said they go to Conservation tomorrow night and that Andy Sheehan and Mr. Lynch are working with Town Counsel on water rights.

Ms. Gates asked if the State has contacted the Town re the Freeman Bike Path and Mr. Lynch said that Andy Sheehan has been assigned that project.

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The Board then held a Public Hearing on the application of Amici's Trattoria for a Common Victualer license. Attorney James D'Angora, Jr. represented Amici's, saying that they are leasing 1600 sq. ft. of space at the Market Place on Summer Street, Unit #1, the former Burger King. His clients are spending money in renovations, and will have 9 tables. with 4 seats each. They expect to do 50% eat in, 30% takeout and delivery and 20% pick up. They will have a pizza style menu. They don't have an occupancy or food service permit yet and the work is not done

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Antonio Kayas, who owns Brothers Pizza and Family Restaurant at the Market Place, said he is expressing concern as a family man. There are many pizza establishments within a quarter of a mile of Summer Street. He accepts the concept of free enterprise but having a pizza shop 10 doors down from him will take away from his business. When Bertucci's opened Mr. Kayas said he lost a percentage of his business and asked the BOS to ask Amici's to exclude pizza from their menu. Mr. Lawlor told him that we don't have the power under the law to tell restaurants what they can and can't serve. We look at experience and cleanliness - we're here to protect the public safety. Mr. Kayas said that the bottom line is that it will be very sad for small business people like him.

No one else spoke for or against this application. Mr. Lawlor closed the public hearing at 7:50 pm. Mr. Dalton questioned the number of pizza places within that area.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to grant the Common Victualer's license to Amici's Trattoria contingent upon: The Bldg, Insp. granting the Occupancy Permit; ADA Compliance; Board of Health Food Service Permit and a Special Permit from the Board of Appeals.

Mr. Dalton said he would vote against the license because the area is saturated with pizza shops - we have more than half a dozen in the center area. Mr. Lawlor said they don't have to tell us their menu when they apply for a license. Dr. Weisfeldt asked Mr. Kayas if he has a restrictive covenant with the land and Mr. Kayas said that his lease with Arnold Katz restricted the mall to one pizza place, with no competition. When Chemical Bank took over the property there was no restriction.

Mr. Lawlor said we want to see this area of Town promoted commercially, and said to Amici's that their hours of operation are long and they must assist us in not having people hang out there - we take that very seriously.

Ms. Gates said to anyone in business in this Town - Brothers Pizza was very articulate and she knows what competition is and what they have to face. She said she swore to uphold the laws of the Community and State and if they come i good faith and apply for a license she has to administer the law equally and if the law doesn't work out it may need to be changed.

Vote on the motion to grant the Common Victualer's license to Amici's was 3 in favor, 1 opposed (WFD).

Norman St. Onge spoke for the Colonial Oven Bakery, Inc. saying that he has run the Westford shop for several years and now is expanding into Chelmsford at

the Westford shop for several years and now is expanding into Chelmsford at Garrison Place, 313 Littleton Road. He now has approval from the Board of Health, Electrical and Wiring, Fire Department and the Building Inspector. He is asking for hours of 6 am to 8 pm weekdays, and will be closed on Sundays.

No one present was in favor of or opposed to this application.

Mr. St. Onge showed the floor plan and said the baking will all be done in Chelmsford. He is asking for 2 or 3 tables and chairs. Mr. St. Onge said he has had 13 years in Westford with only 1300 sq. ft. and will have 2,000 sq. ft. in Chelmsford. Motion by Ms. Gates, seconded by Dr. Weisfeldt. unan. to approve this license, contingent upon sign-offs from the Fire Dept. and Bldg. Insp.

Ed McCormack, 20 Brentwood Road, was present with several neighbors to discuss the condition of the water problem near #20. He said that the Town seems to think the problems have been resolved but the icing condition still exists. Mr. McCormack thinks it deserves more investigation and discussion.

Mr. McCormack said there are 2 distinct problems: 1. flooding and 2. icing. He knows that sewerage is coming down the street next summer. He said that from Nos. 20, 17 and 19 there is 100 feet of surface that drains towards Locke Road. He showed diagrams of the top and side views and said the drainage system is obviously overloaded. The problem has been there for 12 years - the negative incline of Churchill Road behind them sends a lot of water onto Brentwood. 20 and 22 Churchill Road have drainage easements from Churchill into Brentwood. Mr. McCormack said that water was 2 feet during the last storm and cars stalled out causing a traffic problem. There are safety issues, damage to property and embarrassment to residents, and in the winter black ice. He feels it is time to put this higher on the DPW priority list.

Jason Reynolds, 37 Brentwood, said it is a safety, not cosmetic issue, that it is a cut through road used by High School students.

Bob Pontefract, 22 Brentwood Road, has been there since 1978 and floods occur more than every 100 years, 7 or 8 times. He said that the paving job is super but he has been monitoring the drainage system and it does not leave blocking manholes. Attorney John Sullivan, 19 Brentwood and Bob Creegan, 23 Brentwood said that they have fixed the problem in front of Reynolds. Dr. Doug Bragdon, 11 Hillcrest Drive, said he has lived there since 1960 and when he moved in there was a swamp. Water would run from the swamp down to the upper end of Brentwood and thru a gulley to the Lamperts backyard on Hillcrest.

DPW Jim Pearson then spoke, saying that the pavement was placed to give a crown, or highpoint, in the road and there is a reverse pitch in one pipe. He said that every year they build drainage that has a 10 year capacity. The October storm was 8 - 10 inches of rain and we can't gauge anything by that. We cleaned the drains 3 times, and it is his job to prioritize with the funds that are given him. This drainage should last for 25 years and this was the best solution with the funds we had at that time. If people will take an interest in their catch basins it pays dividends for that neighborhood.

Dr. Weisfeldt said he thought the measures taken this summer were more or less temporary until sewage and re-paving goes in. Mr. Pearson said we analyze and rebuild all the drainage when the sewer work is done. The sewers will lower the water table a little and will divert the water before it goes under the road.

Ms. Gates quoted from a memo from George LeMasurier dated April 16, 1996 with 3 possible options and we did #1, the least expensive. She thinks we should do more when sewerage goes in. Mr. Pearson said we will do more when the sewer goes through and this is not one of our top 20 problems. The problems are complicated by the fact that we had an unusual winter and the October storm. Mr. Lynch said we will be doing at least Option 3 - subdrains - when sewerage goes in. Several residents wanted Option 2, the most expensive.

Ms. Gates told the residents that we are hearing them, and not ignoring them. Mr. Pearson said that the sewer project will start in the next construction phase. Mr. Dalton asked if there is anything we can do this winter and Mr. Lynch said that except during that October record storm we really haven't seen any problems since we put down the pavement in June. Mr. McCormack said that the crown doesn't solve the problem in the gutters - it takes more comprehensive evaluations. It was agreed that the Town will work with the neighbors and the BOS will tentatively have a report in mid-January as to what is happening.

Under Town Manager Reports Mr. Lynch made two appointments to the Conservation Commission - Lynn Davis and Timothy Ervin. Motion by Ms. Gates, seconded by Dr. Weisfeldt, 3 - 0 in favor, Mr. Dalton having left the room. Mr. Lynch said he has appointed Jean Sparks and Peter Volonino to the Personnel Board. Motion by Ms. Gates, seconded by Dr. Weisfeldt, 3 - 0. Mr. Lynch reported that he has appointed the following persons to the Community Action Program Committee: Peter Bagni, John DelPozzo, Andrea Flagg, William Hood, Beverly Koltookian, Denise Marcaurette, Andrew Sheehan and Deborah Villano. Mr. Lynch said that this Program has \$10,000 seed money to provide grants for anything that's a community improvement program. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve these appointments.

Under Contract Awards, Mr. Lynch said he has awarded the Highway Dept. sander to Madigan, of Harvard, MA for \$18,995. Ms. Gates asked why only one bid and Mr. Pearson said that the body is to go on an existing truck and everybody is so busy.

Mr. Lynch said that on the Ambulance Service Contract, which is exempt from CH30B of the Mass. General Laws, we received 3 proposals from Med Trans NE, Patriot and Trinity, who has had the contract for the past three years. We asked for proposals both price and non-price. The Med Trans bid was not complete, not broken down and no bid bond. Patriot didn't provide their rate structure and billing costs. He asked Marian Currier, Armand Caron and Jack Parow to review the proposals. Med Trans has the most municipal experience, Trinity is more advantageous with two communities, and Patriot has two municipal contracts. Our

Patriot would station two in Town, and Trinity has one in Town, one in East Chelmsford and 11 on the Lowell line. Patriot has provided added equipment. Mr. Lynch continued that based on all this, and the recommendation of the Chiefs and Ms. Currier he is making the award to Trinity though they still have to work through their training and additional equipment. This will be a one year renewable contract for a period not to exceed 3 years. Chief Parow did not make a recommendation, only compared the 3 proposals. Motion by Ms. Gates, seconded by Dr. Weisfeldt, to award the ambulance service contract from 1997 - 1999 to Trinity EMS Inc. Vote was 3 in favor, 1 abstention (WFD).

Motion by Ms. Gates, seconded by Mr. Dalton, to approve the front spaces in the Vinal Square Municipal Parking Lot being limited to one hour only parking. Vote was 3 in favor (Dr. Weisfeldt had left the room).

Mr. Lynch asked the Board to approve the redemption of property at 248 Dunstable Road which was taken for back taxes. The Finance Director is becoming much more aggressive and the owner has paid the taxes due at an interest rate of 16%. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the redemption of property at 248 Dunstable Road.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant a one-day All Alcoholic license to St. John's Church for Saturday, December 7th.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve a Roadside Vendor's license for Little League to sell Christmas trees at their Rte. 110 Field in December.

The Board of Selectmen then discussed calling a special election. George Merrill had challenged the vote on Article 6, library funding, at the October Fall Town Meeting and has more than enough signatures to require the BOS to set a date for a special election.

Mr. Lynch spoke with Town Counsel and the Charter calls for a 20 day period after the election is called and State law calls for a 28 day period. Town Counsel's opinion of 11/15/96 advises they have spoken to the Elections Division and are advising the BOS not to schedule a special election in less than 28 days. The BOS has to allow the Town Clerk time to mail ballots to permanently disabled voters.

Mr. Lynch said he would recommend that the earliest possible time would be Tuesday, December 17, 1996 from 12 noon to 8 pm. Ms. Gates asked if this referendum question is binding and Mr. Lynch said if 10% of the electorate vote, or app. 2200 people.

George Merrill spoke, reading from the 1989 Charter Sec. 213-C. The charter was approved by the Comm. of Mass. and they must have seen the difference between the Charter and State law. He thinks there are differences between the two and that the error is in the Charter but should be corrected because it will open the Town to litigation. He recommended to the BOS that they hold the election within 20 days

but not count the ballots until the 28th day. He doesn't want all his hard work gathering signatures to call the election to go for nothing.

Former Selectman Dennis Ready spoke, encouraging the BOS to follow the recommendations of Town Counsel, to wait 28 days to let the most people vote, and avoid trouble with the ADA.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to schedule the Referendum Election Question on Article 6 for December 17, 1996 between 12 noon and 8 pm.

Dr. Weisfeldt reported on his liaison committees, noting that the Sewer Commission hopes to have North Road basically done by the middle of December. The School Committee is still considering class size. The Master Plan Committee is meeting next week and will have a recommendation by the April Town Meeting.

Ms. Gates said she has a list of 7 recommendations that members of Cub Scout Den 6 have made and asked that we address their concerns.

She reported that on Dec. 2 at 7 pm is the Annual Meeting of the Cable Access Foundation at the Parker School Studio. Mr. Lynch commented that this studio will be the hub of our telecommunications and urged the BOS to hold a meeting there.

Ms. Gates asked about the sign by-law and lighted window signs and Mr. Lynch said he met with the Sign Advisory Committee in October and they are setting up a sign by-law committee - Tony Zagzoug, John Harrington, Jim Creegan and he has assigned Andy Sheehan as a staff person.

We have received a lot of feedback from the merchants and will come up with something for the April Town Meeting. Mr. Lynch will discuss with Tony Zagzoug putting a moratorium on enforcing the lighted sign by-law until the ATM. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve a moratorium on the enforcement of the lighted window sign by-law and no new signs until the Spring ATM.

Ms. Gates asked about space for an ADA office and Mr. Lynch said he is still trying to find space.

Ms. Gates asked about the Route 3 issue - will we get an update and Mr. Lynch said he will have a report at the Dec. 16th meeting.

Mr. Dalton said that the FinCom is setting up their budget schedule and will cut down on the number of hearings. The Town Manager can take care of some, but they will still meet with the larger departments.

Mr. Dalton couldn't make the Middlesex County Advisory Board meeting because of the BOS meeting.

Mr. Dalton said that several residents are interested in building a non-profit function hall at Varney Field and he would like Mr. Lynch to walk it with him.

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Mr. Lynch will obtain Southwell Field Plans.

Ms. Gates noted that Continental Cable is re-wiring with co-axial fiber over 21 miles but only subscribers will pay for this.

Mr. Lawlor said there was a fiasco in organizational planning last week - North Road was shut down and they were working on the Westford Street bridge. Mr. Lynch said that was a State job, and they had a contract to do the work. It's the State's bridge and there is nothing we can impose upon them.

Under Press Questions Brian Gormley asked how often do we renew Common Victualer licenses and Mr. Lawlor told him yearly.. He asked if any sign by-law violations had been charged and Mr. Lynch said he will check into this.

At 9:40 p.m. motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

John E. Carter

Brian Clark

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97 APR 10 AM 10:16

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No one else spoke for or against this application. Mr. Lawlor closed the public hearing at 7:50 pm. Mr. Dalton questioned the number of pizza places within that area.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to grant the Common Victualer's license to Amici's Trattoria contingent upon: The Bldg, Insp. granting the Occupancy Permit; ADA Compliance; Board of Health Food Service Permit and a Special Permit from the Board of Appeals.

Mr. Dalton said he would vote against the license because the area is saturated with pizza shops - we have more than half a dozen in the center area. Mr. Lawlor said they don't have to tell us their menu when they apply for a license. Dr. Weisfeldt asked Mr. Kayas if he has a restrictive covenant with the land and Mr. Kayas said that his lease with Arnold Katz restricted the mall to one pizza place, with no competition. When Chemical Bank took over the property there was no restriction.

Mr. Lawlor said we want to see this area of Town promoted commercially, and said to Amici's that their hours of operation are long and they must assist us in not having people hang out there - we take that very seriously.

Ms. Gates said to anyone in business in this Town - Brothers Pizza was very articulate and she knows what competition is and what they have to face. She said she swore to uphold the laws of the Community and State and if they come in good faith and apply for a license she has to administer the law equally and if the law doesn't work out it may need to be changed.

Vote on the motion to grant the Common Victualer's license to Amici's was 3 in favor, 1 opposed (WFD).

Norman St. Onge spoke for the Colonial Oven Bakery, Inc. saying that he has run the Westford shop for several years and now is expanding into Chelmsford at

the Westford shop for several years and now is expanding into Chelmsford at Garrison Place, 513 Littleton Road. He now has approval from the Board of Health, Electrical and Wiring, Fire Department and the Building Inspector. He is asking for hours of 6 am to 8 pm weekdays, and will be closed on Sundays.

No one present was in favor of or opposed to this application.

Mr. St. Onge showed the floor plan and said the baking will all be done in Chelmsford. He is asking for 2 or 3 tables and chairs. Mr. St. Onge said he has had 13 years in Westford with only 1300 sq. ft. and will have 2,000 sq. ft. in Chelmsford. Motion by Ms. Gates, seconded by Dr. Weisfeldt. unan. to approve this license, contingent upon sign-offs from the Fire Dept. and Bldg. Insp.

Ed McCormack, 20 Brentwood Road, was present with several neighbors to discuss the condition of the water problem near #20. He said that the Town seems to think the problems have been resolved but the icing condition still exists. Mr. McCormack thinks it deserves more investigation and discussion.

Mr. McCormack said there are 2 distinct problems: 1. flooding and 2. icing. He knows that sewerage is coming down the street next summer. He said that from Nos. 20, 17 and 19 there is 100 feet of surface that drains towards Locke Road. He showed diagrams of the top and side views and said the drainage system is obviously overloaded. The problem has been there for 12 years - the negative incline of Churchill Road behind them sends a lot of water onto Brentwood. 20 and 22 Churchill Road have drainage easements from Churchill into Brentwood. Mr. McCormack said that water was 2 feet during the last storm and cars stalled out causing a traffic problem. There are safety issues, damage to property and embarrassment to residents, and in the winter black ice. He feels it is time to put this higher on the DPW priority list.

Jason Reynolds, 37 Brentwood, said it is a safety, not cosmetic issue, that it is a cut through road used by High School students.

Bob Pontefract, 22 Brentwood Road, has been there since 1978 and floods occur more than every 100 years, 7 or 8 times. He said that the paving job is super but he has been monitoring the drainage system and it is not leaves blocking manholes. Attorney John Sullivan, 19 Brentwood and Bob Creegan, 23 Brentwood said that they have fixed the problem in front of Reynolds. Dr. Doug Bragdon, 11 Hillcrest Drive, said he has lived there since 1960 and when he moved in there was a swamp. Water would run from the swamp down to the upper end of Brentwood and thru a gulley to the Lamperts backyard on Hillcrest.

DPW Jim Pearson then spoke, saying that the pavement was placed to give a crown, or highpoint, in the road and there is a reverse pitch in one pipe. He said that every year they build drainage that has a 10 year capacity. The October storm was 8 - 10 inches of rain and we can't gauge anything by that. We cleaned the drains 3 times, and it is his job to prioritize with the funds that are given him. This drainage should last for 25 years and this was the best solution with the funds we had at that time. If people will take an interest in their catch basins it pays dividends for that neighborhood.

Dr. Weisfeldt said he thought the measures taken this summer were more or less temporary until sewage and re-paving goes in. Mr. Pearson said we analyze and rebuild all the drainage when the sewer work is done. The sewers will lower the water table a little and will divert the water before it goes under the road.

Ms. Gates quoted from a memo from George LeMasurier dated April 16, 1996 with 3 possible options and we did #1, the least expensive. She thinks we should do more when sewerage goes in. Mr. Pearson said we will do more when the sewer goes through and this is not one of our top 20 problems. The problems are complicated by the fact that we had an unusual winter and the October storm. Mr. Lynch said we will be doing at least Option 3 - subdrains - when sewerage goes in. Several residents wanted Option 2, the most expensive.

Ms. Gates told the residents that we are hearing them, and not ignoring them. Mr. Pearson said that the sewer project will start in the next construction phase. Mr. Dalton asked if there is anything we can do this winter and Mr. Lynch said that except during that October record storm we really haven't seen any problems since we put down the pavement in June. Mr. McCormack said that the crown doesn't solve the problem in the gutters - it takes more comprehensive evaluations. It was agreed that the Town will work with the neighbors and the BOS will tentatively have a report in mid-January as to what is happening.

Under Town Manager Reports Mr. Lynch made two appointments to the Conservation Commission - Lynn Davis and Timothy Ervin. Motion by Ms. Gates, seconded by Dr. Weisfeldt, 3 - 0 in favor, Mr. Dalton having left the room. Mr. Lynch said he has appointed Jean Sparks and Peter Volonino to the Personnel Board. Motion by Ms. Gates, seconded by Dr. Weisfeldt, 3 - 0. Mr. Lynch reported that he has appointed the following persons to the Community Action Program Committee: Peter Bagni, John DelPozzo, Andrea Flagg, William Hood, Beverly Koltookian, Denise Marcaurelle, Andrew Sheehan and Deborah Villano. Mr. Lynch said that this Program has \$10,000 seed money to provide grants for anything that's a community improvement program. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve these appointments.

Under Contract Awards, Mr. Lynch said he has awarded the Highway Dept. sander to Madigan, of Harvard, MA for \$18,995. Ms. Gates asked why only one bid and Mr. Pearson said that the body is to go on an existing truck and everybody is so busy.

Mr. Lynch said that on the Ambulance Service Contract, which is exempt from CH30B of the Mass. General Laws, we received 3 proposals from Med Trans NE, Patriot and Trinity, who has had the contract for the past three years. We asked for proposals both price and non-price. The Med Trans bid was not complete, not broken down and no bid bond. Patriot didn't provide their rate structure and billing sheet. He asked Marian Currier, Armand Caron and Jack Parow to review the proposals. Med Trans was the most complete and experienced. Trinity is more advantageous with two communities, and Patriot has two municipal contracts. Car

Patriot would station two in Town, and Trinity has one in Town, one in East Chelmsford and 11 on the Lowell line. Patriot has provided added equipment. Mr. Lynch continued that based on all this, and the recommendation of the Chiefs and Ms. Currier he is making the award to Trinity though they still have to work through their training and additional equipment. This will be a one year renewable contract for a period not to exceed 3 years. Chief Parow did not make a recommendation, only compared the 3 proposals. Motion by Ms. Gates, seconded by Dr. Weisfeldt, to award the ambulance service contract from 1997 - 1999 to Trinity EMS Inc. Vote was 3 in favor, 1 abstention (WFD).

Motion by Ms. Gates, seconded by Mr. Dalton, to approve the front spaces in the Vinal Square Municipal Parking Lot being limited to one hour only parking. Vote was 3 in favor (Dr. Weisfeldt had left the room).

Mr. Lynch asked the Board to approve the redemption of property at 248 Dunstable Road which was taken for back taxes. The Finance Director is becoming much more aggressive and the owner has paid the taxes due at an interest rate of 16%. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the redemption of property at 248 Dunstable Road.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant a one-day All Alcoholic license to St. John's Church for Saturday, December 7th.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve a Roadside Vendor's license for Little League to sell Christmas trees at their Rte. 110 Field in December.

The Board of Selectmen then discussed calling a special election. George Merrill had challenged the vote on Article 6, library funding, at the October Fall Town Meeting and has more than enough signatures to require the BOS to set a date for a special election.

Mr. Lynch spoke with Town Counsel and the Charter calls for a 20 day period after the election is called and State law calls for a 28 day period. Town Counsel's opinion of 11/15/96 advises they have spoken to the Elections Division and are advising the BOS not to schedule a special election in less than 28 days. The BOS has to allow the Town Clerk time to mail ballots to permanently disabled voters.

Mr. Lynch said he would recommend that the earliest possible time would be Tuesday, December 17, 1996 from 12 noon to 8 pm. Ms. Gates asked if this referendum question is binding and Mr. Lynch said if 10% of the electorate vote, or app. 2200 people.

George Merrill spoke, reading from the 1989 Charter Sec. 213-C. The charter was approved by the Comm. of Mass. and they must have seen the difference between the Charter and State law. He thinks there are differences between the two and that the error is in the Charter but should be corrected because it will open the Town to litigation. He recommended to the BOS that they hold the election within 20 days

Nov. 18, 1996

but not count the ballots until the 28th day. He doesn't want all his hard work gathering signatures to call the election to go for nothing.

Former Selectman Dennis Ready spoke, encouraging the BOS to follow the recommendations of Town Counsel, to wait 28 days to let the most people vote, and avoid trouble with the ADA.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to schedule the Referendum Election Question on Article 6 for December 17, 1996 between 12 noon and 8 pm.

Dr. Weisfeldt reported on his liaison committees, noting that the Sewer Commission hopes to have North Road basically done by the middle of December. The School Committee is still considering class size. The Master Plan Committee is meeting next week and will have a recommendation by the April Town Meeting.

Ms. Gates said she has a list of 7 recommendations that members of Cub Scout Den 6 have made and asked that we address their concerns.

She reported that on Dec. 2 at 7 pm is the Annual Meeting of the Cable Access Foundation at the Parker School Studio. Mr. Lynch commented that this studio will be the hub of our telecommunications and urged the BOS to hold a meeting there.

Ms. Gates asked about the sign by-law and lighted window signs and Mr. Lynch said he met with the Sign Advisory Committee in October and they are setting up a sign by-law committee - Tony Zagzoug, John Harrington, Jim Creegan and he has assigned Andy Sheehan as a staff person.

We have received a lot of feedback from the merchants and will come up with something for the April Town Meeting. Mr. Lynch will discuss with Tony Zagzoug putting a moratorium on enforcing the lighted sign by-law until the ATM. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve a moratorium on the enforcement of the lighted window sign by-law and no new signs until the Spring ATM.

Ms. Gates asked about space for an ADA office and Mr. Lynch said he is still trying to find space.

Ms. Gates asked about the Route 3 issue - will we get an update and Mr. Lynch said he will have a report at the Dec. 16th meeting.

Mr. Dalton said that the FinCom is setting up their budget schedule and will cut down on the number of hearings. The Town Manager can take care of some, but they will still meet with the larger departments.

Mr. Dalton couldn't make the Middlesex County Advisory Board meeting because of the BOS meeting.

Mr. Dalton said that several residents are interested in building a non-profit function hall at Varney Field and he would like Mr. Lynch to walk it with him.

Mr. Lawlor said he wants reps. from the golf course to come in to a December meeting to tell us how the season went, what improvements will be made and what use will be made there over the winter.

Mr. Lawlor said he wants reps. from the golf course to come in to a December meeting to tell us how the season went, what improvements will be made and what use will be made there over the winter.

Mr. Lynch will obtain Southwell Field Plans.

Ms. Gates noted that Continental Cable is re-wiring with co-axial fiber over 21 miles but only subscribers will pay for this.

Mr. Lawlor said there was a fiasco in organizational planning last week - North Road was shut down and they were working on the Westford Street bridge. Mr. Lynch said that was a State job, and they had a contract to do the work. It's the State's bridge and there is nothing we can impose upon them.

Under Press Questions Brian Gormley asked how often do we renew Common Victualer licenses and Mr. Lawlor told him yearly. He asked if any sign by-law violations had been charged and Mr. Lynch said he will check into this.

At 9:40 p.m. motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

J. D. E. Carter

J. D. E. Carter

RECEIVED
97 FEB -4 PM 3:11
Regular meeting of the Board of Selectmen held Monday, December 2, 1996 at 7:00 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

Chairman Lawlor called the meeting to order at 7:10 p.m.

Ms. Gates proclaimed December 20, 1996 as Lights on for Life Day, seconded by Dr. Weisfeldt, unan. Chief Caron accepted the proclamation and said that last week the Police Dept. was awarded a \$5,000 grant for the third year in a row for enforcing drunk driving laws, speed enforcement and seat belt use. We are one of 15 communities in the Commonwealth to have use of the new alcohol detecting device. Every other state has this meter in their cruisers, but ours is a shared device, which gives an accurate test of blood alcohol levels. Every cruiser will have one eventually, with a \$600 cost per machine, and we hope to buy them with a grant.

Evelyn Thoren spoke during Open Session, stating that the Arts and Technology Fund has close to \$3,000 now. She said at their last meeting their priority was to get the application procedure in place, and their goal in February is to get applications out to educators. In April people can apply for funds, and after the excise taxes go out we can determine what amount we can give out for the 97/98 Academic year. She thanked all who have made donations and said she will be getting out more information at Town Offices.

Ms. Gates said she would like to see a list of donors and donations and Mr. Lynch said he has heard that 200 - 250 people donated. Ms. Gates asked what are the rules about holding money over and Mr. Lynch said this is a separate account - like a rollover or trust fund. Mr. Dalton asked if there were any direct donations and George Ripsom said he has received about \$25 directly.

Ms. Thoren said this is not a part of the School budget but a separate entity and the committee is very productive.

Bill Griffin, Precinct 2, said that in late summer there was a public information session on Vinal Square and asked if the Town has met with the State yet. He said there is an issue of drainage between Ryan Automotive and the hair salon, with water coming down off the hill into a catch basin. He said that there are still opposing green lights in Vinal Square, that it is still difficult to turn left onto Groton Road and we need to synchronize the pedestrian lights a little faster.

Mr. Lynch said we met with the State this summer and Jim Pearson and Chief Caron have spoken with them and there may be another meeting. Pedestrian lights have to go through the whole cycle; he will check on the drainage issue; and re the opposing green lights people heading North get a free turn. Mr. Griffin asked if they could get a red light for No Left Turn and Mr. Lynch said that would back all traffic up on Princeton Street. He added that we have addressed some concerns on side streets so complaints there are less.

Mr. Griffin asked if we could get in touch with our State reps re the loss in Fire Prevention Funds, from \$18,000 down to \$8500. Mr. Lynch said legislation will be

filed to take

more of the cigarette tax money.

Mr. Lynch added that the tracks at School Street have been replaced.

Mr. Dalton asked if all pedestrian lights take as long as the ones in Vinal Square and Chief Caron said No. Mr. Dalton said it is a safety hazard when it takes so long.

During Open Session Chief Caron announced that on December 5 at the Senior Center there will be a forum on Community Policing and the Elders, sponsored by the Chelmsford Police Foundation, Inc.

Under Town Manager Reports, Mr. Lynch reported that the Holiday Prelude will take place on Sunday, December 8th, at 5:00 p.m.

He reported that re drainage on Brentwood Drive, we have been monitoring it, and there was 2" of rain today but it was OK. We will continue to monitor this situation.

Mr. Lynch will be contacting the BOS re Work Sessions with the FinCom./School Committee, 5-year plan and licensing procedures.

The Capital Planning Committee is prioritizing requests by School and Municipal Departments and is targeting \$1.2 mil for Capital items. He explained the capital budget, stating that each year we set aside monies through bonding. Uses are: infrastructure - maintaining capital equipment and long term projects; equipment or projects that will last over 5 years and cost at least \$10,000. Not all needs can be met but we work towards safety priorities.

Re the FY98 budget and Education Reform the League of Women Voters has developed a formula that could mean a lot more money to the Town - \$1 mil plus.

Mr. Dalton mentioned that the lights at the Shell station and the right turn onto Princeton Street were not working properly and Mr. Lynch said we have spoken to the State about this.

Dr. Weisfeldt said that on Saturday, December 7 a portion the AIDS quilt will be on display from 10 am - 2 pm at the Old Town Hall. He also thanked Chief Caron on behalf of the Senior Citizens for the Forum.

At 7:45 pm the Board held a Public Hearing on the application of Country Club Too to change their Beer and Wine license to an All Alcoholic Common Victualer license. Attorney Dennis McHugh represented the applicant David J. Cunha. Mr. McHugh said they have been there since 1990 and now want to expand to more tournament type billiards. They will have the opportunity to hold tournaments sponsored by the large beer companies. Their downstairs tenant has moved out and he wants to increase Country Club Too from 6,000 sq. ft. to 8,000; cut Country Club USA (non-alcoholic side) from 10,000 sq.ft. to 8,000 and add 3,500 sq. ft. on the first floor and a full kitchen. The building has 165 parking spaces and is zoned CB. There will be separate entrances and exits for the public and tournament players and they have been granted a Special Permit by the Board of Appeals. Mr. McHugh said that Mr. Cunha's objective is to upscale Country

Club Too to attract more tournament players, and to reduce his reliance on non-alcoholic street activity. Most of the disturbances have been in the non-alcoholic Country Club

USA section. Mr. Cunha would coordinate the expanded plan with an increase in the price structure on the non-alcoholic side, and any increase in traffic would be on nights and weekends. Anyone serving would be TIPS certified.

No one present wished to speak in favor of the application and Police Chief Caron asked to speak against it.

The Chief stated that to date calls for service from the Police Dept. have been over 100 in the past three years, with 25 involving violence, alcohol and drugs. He said that Mr. Cunha is running a pool hall in an area that is difficult to police - behind Caldor's and close to Lowell, which creates an Asian gang problem. We should stop the problems with the gangs before we let him enlarge the establishment. He's creating a full-fledged sports bar and they require a lot of police presence. Right now we can't control the problem we have and the Tiny Rascals from Lowell are using the parking lot as their headquarters. Clyde's Pool Hall in Lowell has closed and we're getting their clientele. The number of calls this year to date is 46 on general gang-related crimes. Chief Caron said that the Chelmsford and Lowell police are afraid of rival gangs trying to take over the area.

Ms. Gates asked how did the number of calls to this area compare to other business areas and he said 90% more than on Summer Street. Chief Caron added that by changing his business to the size he wants Mr. Cunha would exacerbate the problem. Dr. Weisfeldt asked if any other businesses going from Beer and Wine to All Alcohol have caused more problems and Chief Caron said that he doesn't know but the business that Mr. Cunha is running attracts undesirable clients. The answer may be Mr Cunha working more closely with the Chelmsford and Lowell Police Depts. and try to expand later.

Bill Griffin asked if his expanding is trying to attract a better class of clientele and Mr. McHugh said yes, that the ultimate goal is to coordinate his business and try to get more tournament play. He will still allow Chelmsford residents to play at the same rate and will continue to donate time to the schools.

Robert McLure, who rents space for Remco Flooring from Mr. Cunha, said that he would like to see an increase in traffic and a better class of clientele, that it may alleviate some problems.

Maria Cunha said she works at the pool hall occasionally and has to call the Police more for the non-alcoholic side.

Mr. Lawlor closed the Public Hearing at 8:10 p.m.

David Cunha spoke, saying that the Police have had less than 3 calls from Country Club Too, the last to determine if licenses were phony, and when they suspect gang-related people they call in the Police. He said that if they allow Chelmsford residents a 10% discount they would then get to play in other areas. Mr. Cunha added that he is prepared to spend several hundred thousand dollars to expand and is planning for the future. He said that his kids are in bartending and food

handling.

Ms. Gates asked what has he done to keep out the unwanteds and Mr. Cunha said that they send out registered letters asking them not to come back. Mr. Dalton asked him why hasn't he reduced the non-alcoholic side and Mr. Cunha said they are two separate businesses and no more dangerous than any place where you get 100 kids. He said they can come up with a game plan to solve the problem.

Ms. Gates asked if he would be willing to have detail cops to be paid by him, but Mr. Lynch said our municipal liability policy won't allow detail police officers where alcohol is most of the business. Mr. Cunha said that beer and wine accounts for about 40% of his sales but people coming for a dart or pool tournament are not there to drink but to compete in a tournament.

Dr. Weisfeldt asked if he had ever considered hiring a bouncer and Mr. Cunha said he has considered having a security team but needed a game plan to head away from this direction. He is going to offer special dinners to tournament players. He said they are trying to work with the police.

Mr. Lynch noted that the menu is the same as presented in 1992, and Mr. Cunha said that right now they have a pizza oven and a rear convection oven for quick heated items and Mr. Lynch asked if he could request anyone who purchases alcohol to also purchase food.

Mr. Lawlor said that he has gone there a couple of times and saw that it is clean and he saw that the alcohol and non-alcohol sides are separated. He and the BOS may go there on their annual license inspection.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. that the Board postpone any decision and take this matter under advisement until Dec. 16th.

The Town Manager said he had no appointments and no contract awards.

Under Unscheduled Business the Board discussed the acceptance of Moccasin Lane as a public way. Mr. Lawlor stepped down from the chair as he has a conflict of interest on this.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, to accept Moccasin Lane as a public way. Vote was 3 in favor, 1 abstention (PVL).

Mr. Lynch said that the new Sexual Harassment policy was the result of the law signed by Governor Weld on August 8. It took effect on November 5 for any municipality or business with more than 15 employees. He went over the policy and procedures and recommended to the BOS that the policy be adopted.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adopt the new Sexual Harassment policy.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to issue a Roadside Vendor's license to Donald Kohl to sell Christmas trees on the lot between Ryan's Automotive and the barber shop in Vinal Square.

Under BOS liaison reports Dr. Weisfeldt reported that the Sewer Dept. is planning to end their work on North Road on Dec. 13. Mr. Lawlor wondered how North Road will survive the winter and Mr. Lynch said the road will be in tough shape until sometime next summer but the Highway Dept. will be monitoring it.

Mr. Dalton reported that the Cemetery Commission received a \$5,000 grant to restore Forefather's Cemetery. He reported that the Finance Committee has 2 meetings in December and that the Traffic and Safety Committee isn't meeting until January.

Mr. Dalton asked if the BOS has the authority to put a moratorium on enforcing the sign by-law and Mr. Lawlor said they do, as the Executive branch of Town government. Two locations in the Center that go against Historic District Commission regulations and Peggy Dunn said they will be sending letters to them. Mr. Lynch said it would be foolhardy for any businessman to go out and purchase a neon sign at this point. The by-law may change, and this was done in a spirit of cooperation. There will be no grandfathering, and Ms. Gates commented that the Historic District Commission has the authority to strengthen the laws, make them more stringent than the Town or State.

Mr. Lawlor said at the LRTA meeting they went over plans to expand the Gallagher terminal and have received good funding news. They are frustrated in trying to make improvements in the North Billerica train station.

Mr. Lawlor said that nomination papers for elected offices will be available after the first of the year in the Town Clerk's office.

Mr. Lawlor said that under the Acts of 1996, Chapter 375, after January 1, 1997 Towns can sell taxes receivable to finance companies, etc. and have Mr. Lynch and Fred Mansfield considered this? Mr. Lynch said that he sits on the MMA Fiscal Policy Committee and this is designed for communities with Cash Flow problems. The consensus right now is that it doesn't make sense for Chelmsford because our collection rate is 97-98%. If people pay their taxes late they are paying 14 - 16% interest. It may be advantageous to look at it in the future.

Mr. Dalton asked what does 2 or 3% translate to, and Mr. Lynch said app. \$1 mil in our budget. We project \$200- \$300,000 per year from interest in unpaid taxes. We always get either the money or the property.

Mr. Lawlor commented that we will be voting on licenses on December 16th and we need the current tax status. Mr. Lynch said this is being taken care of.

Under Press Questions Brian Gormley, Chelmsford Independent, asked what further information is the Board looking for on the Country Club Too and Mr. Lawlor said the Board members may want to view the premises, or call the Police Dept. for more information. It is usually the BOS policy to wait two weeks before voting on licenses.

John Harrington said that the Chelmsford Business Association has sent out information to its 300 members re the sign moratorium and to be prepared for the Spring Town Meeting vote.

Cheri Daniels, Newscenter 6, asked if the Historic District Commission can override the BOS moratorium and Mr. Lawlor said Yes, within the district. Mr. Lynch said any signs in the District have been approved.

At 9:30 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, December 2, 1996 at 7:00 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

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97 JAN 13 PM 3:47
TOWN CLERK

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No one present wished to speak in favor of the application and Police Chief Caron asked to speak against it.

The Chief stated that to date calls for service from the Police Dept. have been over 100 in the past three years, with 25 involving violence, alcohol and drugs. He said that Mr. Cunha is running a pool hall in an area that is difficult to police - behind Caldor's and close to Lowell, which creates an Asian gang problem. We should stop the problems with the gangs before we let him enlarge the establishment. He's creating a full-fledged sports bar and they require a lot of police presence. Right now we can't control the problem we have and the Tiny Rascals from Lowell are using the parking lot as their headquarters. Clyde's Pool Hall in Lowell has closed and we're getting their clientele. The number of calls this year to date is 46 on general gang-related crimes. Chief Caron said that the Chelmsford and Lowell police are afraid of rival gangs trying to take over the area.

Ms. Gates asked how did the number of calls to this area compare to other business areas and he said 90% more than on Summer Street. Chief Caron added that by changing his business to the size he wants Mr. Cunha would exacerbate the problem. Dr. Weisfeldt asked if any other businesses going from Beer and Wine to All Alcohol have caused more problems and Chief Caron said that he doesn't know but the business that Mr. Cunha is running attracts undesirable clients. The answer may be Mr Cunha working more closely with the Chelmsford and Lowell Police Depts. and try to expand later.

Bill Griffin asked if his expanding is trying to attract a better class of clientele and Mr. McHugh said yes, that the ultimate goal is to coordinate his business and try to get more tournament play. He will still allow Chelmsford residents to play at the same rate and will continue to donate time to the schools.

Robert McLure, who rents space for Remco Flooring from Mr. Cunha, said that he would like to see an increase in traffic and a better class of clientele, that it may alleviate some problems.

Maria Cunha said she works at the pool hall occasionally and has to call the Police more for the non-alcoholic side.

Mr. Lawlor closed the Public Hearing at 8:10 p.m.

David Cunha spoke, saying that the Police have had less than 3 calls from Country Club Too, the last to determine if licenses were phony, and when they suspect gang-related people they call in the Police. He said that if they allow Chelmsford residents a 10% discount they would then get to play in other areas. Mr. Cunha added that he is prepared to spend several hundred thousand dollars to expand and is planning for the future. He said that his kids are in bartending and food

Under BOS liaison reports Dr. Weisfeldt reported that the Sewer Dept. is planning to end their work on North Road on Dec. 13. Mr. Lawlor wondered how North Road will survive the winter and Mr. Lynch said the road will be in tough shape until sometime next summer but the Highway Dept. will be monitoring it.

Mr. Dalton reported that the Cemetery Commission received a \$5,000 grant to restore Forefather's Cemetery. He reported that the Finance Committee has 2 meetings in December and that the Traffic and Safety Committee isn't meeting until January.

Mr. Dalton asked if the BOS has the authority to put a moratorium on enforcing the sign by-law and Mr. Lawlor said they do, as the Executive branch of Town government. Two locations in the Center that go against Historic District Commission regulations and Peggy Dunn said they will be sending letters to them. Mr. Lynch said it would be foolhardy for any businessman to go out and purchase a neon sign at this point. The by-law may change, and this was done in a spirit of cooperation. There will be no grandfathering, and Ms. Gates commented that the Historic District Commission has the authority to strengthen the laws, make them more stringent than the Town or State.

Mr. Lawlor said at the LRTA meeting they went over plans to expand the Gallagher terminal and have received good funding news. They are frustrated in trying to make improvements in the North Billerica train station.

Mr. Lawlor said that nomination papers for elected offices will be available after the first of the year in the Town Clerk's office.

Mr. Lawlor said that under the Acts of 1996, Chapter 375, after January 1, 1997 Towns can sell taxes receivable to finance companies, etc. and have Mr. Lynch and Fred Mansfield considered this? Mr. Lynch said that he sits on the MMA Fiscal Policy Committee and this is designed for communities with Cash Flow problems. The consensus right now is that it doesn't make sense for Chelmsford because our collection rate is 97-98%... If people pay their taxes late they are paying 14 - 16% interest. It may be advantageous to look at it in the future.

Mr. Dalton asked what does 2 or 3% translate to, and Mr. Lynch said app. \$1 mil in our budget. We project \$200- \$300,000 per year from interest in unpaid taxes. We always get either the money or the property.

Mr. Lawlor commented that we will be voting on licenses on December 16th and we need the current tax status. Mr. Lynch said this is being taken care of.

Under Press Questions Brian Gormley, Chelmsford Independent, asked what further information is the Board looking for on the Country Club Too and Mr. Lawlor said the Board members may want to view the premises, or call the Police Dept. for more information. It is usually the BOS policy to wait two weeks before voting on licenses.

John Harrington said that the Chelmsford Business Association has sent out information to its 300 members re the sign moratorium and to be prepared for the Spring Town Meeting vote.

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97 JAN 28 PM 4:20

Regular meeting of the Board of Selectmen held Monday, December 16, 1996 at 7:00 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

Chairman Lawlor called the meeting to order at 7:10 p.m.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim John M. Handley Day in Chelmsford. Mr. Handley was awarded a Navy Medal 50 years after he had saved several comrades during World War II. He accepted the proclamation and said it put a little more frosting on the cake. Sam Poulten presented him with a letter from Senator Ted Kennedy.

During the Open Session School Committee Chairman Mary Frantz spoke, saying it is hard for the BOS and School Committee to get together and asked the Board to meet with them on Tuesday, January 21st. She said that re the League of Women Voters and Ed Reform there is a Forum on Jan. 13th at the Westford Public Library. The legislation they are proposing would simplify the formula and help Chelmsford.

George Kalos spoke about the moratorium on enforcing the neon sign by-law and he didn't believe that the BOS would continue to support this. Some signs have been up illegally for 20 years and his store looks dark from the outside during the day, and some shops need lighted signs during the day. He said if the Town says no lit signs that's OK, but this has an adverse effect.

Evelyn Thoren spoke for the Arts and Technology Education Fund and the BOS asked what has been donated. She said that to date - from Nov. 1 - Dec. 11 \$4,000 has been given by 375 people ranging from donations of \$10 to \$100. The Committee wants donors to remain anonymous. She thanked Nashoba Tech for printing the inserts and reminded residents that donations are tax deductible.

Under Scheduled Business Peggy Dunn, Chairman, said that Winterfest is being held Friday, Jan. 31 through Sunday, Feb. 2nd. The kick-off event is to be a dance at the Elks on Friday night to benefit the Tom Welch Scholarship Fund. They will have a 12 piece big band and tickets will be app. \$15.00 per person, and they are starting with 30 tables of 10 each. They will have ice sculptures Friday night and Saturday and she explained different events. They include X-country skiing at the Chelmsford Country Club, outdoor events at Roberts Field and the Skating Pavilion. They would like lights inside the pavilion and a push button on the pole. There will be Winter Fun at the McFarlin field and a Winter Art showing at the Unitarian Church. There will be a Hearts for the Arts silent auction at the Community Center and the Chowderfest at the Senior Center. They will have new buttons and she will come back before the BOS in January.

Kathy Fraser, Nynex, was present with a pole petition to place 3 poles on Old North Road, near the Dog Pound. There is one existing pole but they are changing the number. Sewer Commissioner Barry Balan said there is a 3-phase pumping station there.

Ms. Gates asked why the wires are not going underground, Ms. Frazer asked who will pay for it and Ms. Gates said the utility companies should. Mr. Lynch said we will meet with the Sewer Commission to see if they can go underground. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve Nynex petition #908.

Mr. Lynch added that Ms. Fraser also brought in a list of double poles - 244 in all, since the Town has done some upgrading. They have done a street-by-street survey and hope this will make the double pole situation much more manageable. The BOS will be getting printouts on removals.

Police Chief Armand Caron then addressed the Board, noting that they had initiated the Civilian Police Academy 3 months ago, and Lt. James Murphy was the Director. The classes took place for 8 weeks and they graduated 18 cadets. Lt. Murphy told the Board that they developed the plans in October, 2 hours every Tuesday at the Police Station for 8 weeks and the purpose was to educate residents and businesses as to what a police officer does. He briefly described the courses. Lt. Murphy said he felt the program was very successful and recognized 6 of the first graduates who were present, who all said they were proud of the Police Dept., that it was a very worthwhile program. Lt. Murphy read the names of the other graduates and thanked the members of the department who taught the various classes. He said the next course would start in March or April.

Mr. Lawlor then asked Chief Caron about the storm of last weekend. Chief Caron said in his 34 years on the Police Dept. it was the worst storm he has ever seen in Town, that 90% of the Town was without power for 28 hours, and it took app. 3 days for all the power to be returned to residences. He, the Town Manager and the Fire Chief toured the Town on Sunday morning and found the damage was worse than they had thought. The Highway Dept. did the best possible job plowing, with all the downed wires and trees. The Emergency Management Center was opened, a shelter set up at the Harrington School and they contacted Mass. Electric, who was very responsive. Chelmsford came out of it a lot sooner than most Towns - all the surrounding Towns were also without power. Mr. Dalton commented that he was away during the outage, but all the people who called him later were quite well satisfied with the service.

Chief Caron said that they had electric crews from the Eastern and parts of Canada, and had a problem with the language barrier and tools, since Canada is on the metric system. There was also a problem removing all the tree limbs from the wires.

Ms. Gates said everyone did an extraordinary job, that she visited the shelter and it was all incredible.

Dr. Weisfeldt thanked the Town Manager, Police and Fire Chiefs and Walter Hedlund. He said he was upset that citizens couldn't talk directly to Mass. Electric.

Chief Caron commented that the back-up generator was no good and they will add a new one to their addition.

Bill McBride, Chief Account Officer for Massachusetts Electric Company, discussed the storm with the Board and showed slides and gave a summary. Paul Marshall, District Operations Manager, said that 127,000 customers were out of power at first, and they activated emergency storm centers with the various communities. It was impossible to answer all calls, although they called in more customer reps.

Mr. Dalton asked what was the level of manpower and Mr. Marshall said they had called in crews on Saturday, had 30 Sunday am and 60 crews at the end of the day. They came from Pennsylvania, New Brunswick and Ontario, and by Monday they had 230 - 240 2-man crews per truck. The men worked 18 hours on and 6 hours off, and staffed up more during the day.

Ms. Gates said that people need to have a way to communicate with Mass. Electric, or for the company to be more communicative with the public - people were more frightened than anything.

Mr. Lynch said we tried to contact the local media but Cable 43 was knocked out.

Ms. Gates said that Matt Scott set up a message center at Town Hall.

Mr. Dalton said he gives a lot of credit to the Police and Fire Dispatchers.

Dr. Weisfeldt said that calls he received after the storm said that we haven't been seeing preventive maintenance and Mr. McBride said that the company has a fairly consistent vegetation maintenance program on a 5-year cycle. Dr. Weisfeldt said that the criticism re management of utilities is due to de-regulation and Mr. McBride said that Mass. Electric is still under the DPU but has had cutbacks in management.

Mr. Lawlor thanked Mass.. Electric for coming in and Mr. Lynch said that the cooperation with Mass. Electric management has been excellent and have always been able to get through. We got good communication and good commitment from them.

Under Town Manager Reports. Mr. Lynch said that re the storm all crews were on Saturday afternoon and night plowing, and he went on a tour with the Highway and Police Depts. He showed a copy of the Comprehensive Emergency Plan for the Town and said that we set up a center to coordinate work crews. He praised all involved, and said that the DPW worked 26 hours, and the Sewer Division was out maintaining pump stations. All worked closely and well together and most residents who called were good and understanding.

Ms. Gates asked Ms. Frantz how school closings are decided and Mr. Lynch said that the Supt. coordinates with the School Maintenance and Police Depts. On Sunday night the decision was made very early not to have school and on Monday night it was decided by 7:00 pm to have school on Tuesday.

Mr. Lynch gave an update on improvements at Southwell Field as drawn up by Andy Sheehan, Holly Rice and Jim Pearson. They estimated cost proponents for a total cost of app. \$333,900.

Mr. Lynch went over the list: 8-foot wide walkway going app. 1 mile with the bridge over Deep Brook - \$90,000; Picnic tables located along the walkway - \$5,000; Softball fields need more backstops not so close to the river, which is a low priority - \$18,000; Tot Lot playground - \$30,000; Lighting of 2 additional fields - \$40,000; Trees and landscaping - \$15,000; Boat launch with dock, a safety feature - \$75,000;

Additional Parking behind the adult field - \$25,000; Volley Ball courts - \$8,000 and basketball court - \$25,000.

On how to fund, Mr. Lynch told the BOS that the Town could do so through the Capital Budget, and the Softball parents are doing major fundraisers. The courts may be funded through State Conservation programs and the Open Space Bond and River Protection Act might help with the walkway. The Public Access Board may fund the Board Launch and parking can be funded through the Town.

Dr. Weisfeldt asked if we can regulate parking in the boat launch area and Mr. Lynch said that because of public and state monies we can't close people out. We will ask for neighbors' input at public hearings.

He reported that the joint meeting with the School/Finance Committees will be held on January 21st.

Mr. Lynch said he has made one contract award for the Fire Dept. exhaust system to Air Cleaning Specialists, Inc. for \$33,993. Motion by Ms. Gates, seconded by Dr. Weisfeldt, to approve this award. Vote was 3 in favor, 1 abstention (WFD).

Under Unscheduled Business Mr. Lynch said that property at 15 Starlight Avenue was taken for back taxes and a notice to vacate was sent. The taxes have now been paid.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the redemption of title at 15 Starlight Avenue.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adopt M.G.L. 288 Acts of 1996. Mr. Lynch said this needed to be adopted for the Town's dental insurance program, at no cost to the Town.

Re the Tech Ridge Land Sale, Mr. Lynch said that this is property in back of the Byam School that the Town Meeting had voted and the BOS needs to sign again with the easement included. The Town received \$13,661 for the property.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to sign the quitclaim deed and the easement agreement.

The vote on Country Club Too's application for a change in license from Beer & Wine to All Alcoholic was discussed. Mr. Lawlor said that at the last meeting we held a public hearing and on Saturday, Dec. 14 the Town Manager and Board members went on a tour of the facility and learned a lot. He would like a little additional time to learn more, saying that the applicant has made big strides working with the Town and the BOS, but he feels more work needs to be done. Mr. Lawlor said that the Board would like to put the vote over to the January 6, 1997 meeting.

Attorney Dennis McHugh, representing the applicant David Cunha, said that his client would like to continue to work on the problems.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to continue this matter to the Jan. 6, 1997 meeting.

The Board then discussed the annual renewal of licenses. Mr. Lawlor stated that the BOS took their annual tour on Saturday, Dec. 14, and then asked Mr. Lynch the status on the payment of taxes. Mr. Lynch said we do have several establishments who owe taxes and are trying to work out a payment plan. He said that licenses are not given out until a plan is worked out or the taxes are paid. Mr. Dalton said it appears to be a minimal amount owed - maybe \$12,000 and Mr. Lynch said it is mostly personal property and Finance Director Fred Mansfield is working diligently to collect them.

Mr. Lawlor said that some establishments have been lax with closing hours and the serving of alcohol.

Motion by Ms. Gates to approve a policy entitled "Closing Hour Policy for Establishments Serving Alcohol", seconded by Mr. Dalton, unan. A copy will be sent out with each license. The vote on the motion was 4 in favor, 0 opposed.

Auto Licenses Class II - Mr. Lawlor said they toured Littleton Road last Sat. and the BOS felt the proprietors have done a shoddy and inadequate job. They will be asked to give the BOS a plan through the Town Manager to make the area less unsightly. Mr. Lynch said that two establishments should be asked to apply for Class III licenses - Ferreira Wrecker Sales on Oak Street and Tony's Use Cars on Riverneck Road.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to approve the renewal of all Class II Auto Dealer's licenses as read with the exception of: Bodyworks and John's Auto Sales to present plans to clean up their areas within 3 months.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to require that Ferreira Wrecker and Tony's Used Cars be told that their licenses are approved for 3 months and they must come back to apply for Class III licenses within that time.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the Class I license, and to hold on the Class III license until the Public Hearing.

All Alcoholic Restaurants - Mr. Lawlor said he is in conflict of interest voting on Ciro's. Ms. Gates read the list, and moved to approve all except Ciro's, seconded by Dr. Weisfeldt, 4 in favor.

Motion by Mr. Dalton, seconded by Ms. Gates, to approve Ciro's at 285 Chelmsford Street and 20 Concord Road. Vote was 3 in favor, 1 abstention (PVL).

Mr. Lawlor said there are 3 licenses we want to treat differently - the Mai Kai, the Hong & Kong and the Boulevard Lounge.

It has been brought to our attention by Chief Caron and the ABCC that incidents and lapses to State law have occurred at the Mai Kai.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to issue a license for 3 months only to the Mai Kai and require them to present to the BOS and the Police Chief plans to correct these discrepancies.

The Hong & Kong needs a plan for ADA compliance.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant them a 3 month license and they must become ADA compliant within that period.

Ralph Hickey, ADA Coordinator, spoke on this, noting that there is no way a ADA person can go in their main door. He said that a 3 month license is feasible, that it will only cost about \$3,000 and can be done.

Boulevard Lounge - Mr. Lawlor said commitments were made during their Public Hearing re fencing, paving and curb cuts along the Tyngsboro Road side.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant them a 6-month license, with the licensee to present to the Town Manager plans to correct those promises.

Automatic Amusement licenses - motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve those listed. with the provision that no premises maintain automatic amusement devices for the purpose of gaming.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the 1997 renewal of the 7 Beer and Wine Common Victualer licenses, as listed.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve renewal for 1997 of the 3 Beer and Wine Common Victualer licenses charged to All Alcoholic.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to vote approval of the renewal for 1997 of all Common Victualer licenses, with the exception of Ciro's and Dunkin' Donuts.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to vote approval of the renewal of Ciro's and the 2 Dunkin' Donuts Common Victualer licenses for 1997. Vote was 3 in favor, 1 abstention (PVL due to conflict of interest).

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the renewal for 1997 of licenses for Billiard tables to Country Clubs Too and USA and the Boulevard Lounge.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the 1997 renewal of all Weekday and Sunday Entertainment licenses, subject to restrictions, with the exception of Ciro's.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, to approve Ciro's Sunday and Weekday Entertainment license renewals for 1997. Vote was 3 in favor, 1 abstention (PVL).

Under All Alcoholic Package Store licenses, Ralph Hickey said that North Chelmsford Wine & Liquors has promised to build an outside ramp or ADA will file with the State.

Mr. Lawlor said that the BOS went to all the package stores on their Dec. 14 tour and found several that were not properly supervising the stock.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant 1997 renewal for the 7 Package stores listed, with the exception of North Chelmsford Wine & Liquors who is granted a 3-month renewal and must come into compliance with ADA regulations.

Motion by Mr. Lawlor, seconded by Ms. Gates, unan. that the BOS adopt a policy: It shall be the policy of the Town of Chelmsford that it is required that All Alcoholic and Wine and Malt Package Stores must have an employee on the floor in the area of alcohol sales at all times that the establishment is open to the public. A copy of this policy will be sent with all package store licenses.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the renewal for 1997 of the 2 Beer & Wine Package Stores, Ted's Market and Cedar House.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, that the Board vote to support the ballot question re the renovation of the library.

Dr. Weisfeldt said that as a Town Meeting rep he has received quite a few calls in favor and he acted in good faith serving his constituents when he voted in favor of the library article.

Mr. Dalton said that as a Town Meeting Rep he has received many calls not in favor of the library expansion.

Mr. Lawlor read a poem he had written and asked everyone to please vote yes tomorrow.

Vote on the motion to support was 3 in favor, 1 opposed (WFD).

Under BOS liaisons/referrals Dr. Weisfeldt reported that the Sewer Dept. has finished work on North Road for the winter and will do re-surfacing in the spring. They have road funds from the State. He is missing a Master Plan meeting tonight but they will be ready for Spring Town Meeting.

Mr. Dalton reported that the FinCom is meeting next with the Town Clerk and Cemetery Depts. There has been no Cemetery Comm. meeting and nothing on Traffic and Safety until next month.

He asked about putting a boat launch on Freeman Lake since you can't use the beach or the dam because of the boulders. Mr. Lynch said we put the boulders by the dam to keep people from hanging out there.

He asked about the North Town Hall - can we look into getting grant money and Mr. Lynch said he has asked Andy Sheehan to look into Small Cities money.

Mr. Dalton asked Mr. Lynch to walk Varney Field with him.

He said that Cans+ on Princeton Street used to take salvaged goods but has closed and is now a dump and fire hazard. Jimmy's IV people have seen rats there. Mr. Lynch said there is a meeting scheduled with the Police, Fire and Bldg. Insp.

Mr. Dalton said he is proposing a policy re contract awards: that the BOS receive copies of all proposals 14 days prior to the Town Manager making the award.

Ms. Gates reported that she attended an NMCOG meeting on Dec. 18. The Cable TV Foundation had their annual meeting. The Planning Board has asked her what

about signs and Mr. Lynch said that the Sign Advisory Committee is forming a by-law committee - Andy Sheehan, Steve Stowell and Jim Creegan. Ms. Gates added that it should be a priority to make the entrances to the Town more attractive.

Mr. Dalton said that there are branches sticking out in the road at Lupiens on Westford Street.

Ms. Gates said there are also branches in the road on the right-hand side of Littleton Road, just beyond Bertucci's.

Dr. Weisfeldt asked if the Town is arranging for brush pick-up. Mr. Lynch said he will check with Tewksbury to see what they are doing. We had a dropoff this Saturday and will run it for 2 more Saturdays. We are not now picking up brush on properties and if people put it beside the road and if we don't get to it before it snows we could have serious problems. We are asking residents to either drop off their brush or burn it after Jan. 15. We may try to implement a brush pick-up late winter or early spring.

Mr. Lawlor said we want to give thanks to the Holiday Decorating Committee and the Chelmsford Business Association for the Lighting Ceremony. He also wants to give thanks to the Highway, Police, Civil Defense, Town Manager's office and the Civilian Dispatchers for their efforts during the storm and power loss.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to do so.

Mr. Lawlor said it has been a very active year for this BOS and he hopes that the residents feel we've done a good job. It was a sad year due to the loss of one of our members. He wished everyone a safe Christmas and a prosperous new year.

Under Press Questions Brian Gormley asked what's the matter with the Mai Kai and Mr. Lynch said that the ABCC reported that a number of people stopped for driving under the influence said that their last drink had been at the Mai Kai. He asked what additional information they want from Country Club Too and Mr. Lawlor said the concerns expressed by the Chief re safety, etc.

At 10:05 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Executive Session to discuss litigation. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter - Judith E. Carter

RECEIVED
97 JAN 28 PM 4:20

Regular meeting of the Board of Selectmen held Monday, January 6, 1997. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

Mr. Lawlor commented on the article in the last Friday's Lowell Sun re raw septage being released in Chelmsford on Brick Kiln Road. He asked Center Water Commissioner John Harrington to address the matter.

Mr. Harrington said that there is no problem with the water supply in either the East or Center Districts and that it did not affect a well in the area that has not been used for a number of years. They are monitoring the situation closely. Mr. Dalton said that a resident had called him and said he had become ill, but Mr. Harrington said it shouldn't be from the water.

Motion by Ms. Gates, seconded by Dr. Weisfeldt. unan. to approve the minutes of Nov. 4 (Ex. Sess.); Nov. 18 (Reg. & Ex. Sess.) and December 2, 1996.

Under Town Manager Reports Mr. Lynch said that the leakage on Brick Kiln Road was stumbled across during a Police investigation on an unrelated matter. The Board of Health, Building Inspector and Police Departments are all working on this, and the Board of Health is meeting tonight. He is expecting a report tomorrow.

Mr. Lynch reported that at the last meeting the BOS had problems with 3 All Alcoholic Restaurant licenses - the Boulevard Lounge not doing fencing and curb cuts as discussed; the Mai Kai, with reports from the ABCC and the Police Chief that they are not complying with state laws re the serving of alcohol; and the Hong & Kong, who is not in compliance with ADA.

The Board acted to renew these licenses for a period of only 3 or 6 months and Town Counsel has advised them to renew these licenses for a period of one year, with the recommendation that the Hong & Kong and Mai Kai take not more than 3 months and the Boulevard Lounge not more than 6 months to come into compliance.

Mr. Lawlor said that arising out of this action a question has been raised regarding his participation in acting on any pouring licenses, that he may be in conflict of interest. He has contacted Town Counsel and the State Ethics Commission for a ruling on this issue and to be cautious, he will refrain from any participation in discussion and voting on any alcoholic license until he has received a ruling.

Ms. Gates took over the Chair.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, that the Boulevard Lounge be granted a one year renewal with the stipulation that the fencing be put up and curb cuts be made within 6 months, or the Board will consider disciplinary action. Vote was 3 in favor, 1 abstention (PVL).

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, to renew the Hong & Kong license for one year, with the stipulation that if they do not come into ADA compliance within 3 months the Board will consider disciplinary action. Vote was 3

in favor, 1 abstention (PVL).

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, to renew the Mai Kai restaurant license for one year, with the stipulation that they come into compliance with State and ABCC laws re serving of alcohol. Vote was 3 in favor, 1 abstention (PVL).

Mr. Lynch reported that tax bills have been sent out for the third quarter, and that these are actual bills, not estimated. Some show a small decrease and some a small increase, and residents should contact the Board of Assessors by January 22nd if they are not satisfied with their valuation. Mr. Lynch said that the total taxation stayed level this year, not counting new growth, and the tax rate dropped \$.30 per thousand of valuation. This year we started doing re-vals on a yearly basis. Values went up on ranches, splits and condos so their taxes will be a little higher. Values are based on sales and they decreased in value several years ago.

Mr. Lynch said that the next BOS meeting is on Jan. 27th and we meet with the School Committee on Jan. 21st. At our next meeting he is scheduling the Chelmsford Country Club, with reports on end of the year numbers, capital improvements, etc.. We'll receive about \$66,000 in revenue this year.

Little League is coming in to talk to the Board about plans for Roberts Field infield surfaces and Strawberry Hill.

Mr. Lynch will give a presentation on a 6-month update on Town finances - we are managing the winter well so far.

At 7:30 p.m. a Public Hearing was held on the application of Charles D'Angelo, North Chelmsford Auto Parts for a renewal of their Class III Auto Dealer's license. Mr. Lawlor explained that we are required by law to hold a hearing on Class III licenses every year before renewing them.

Mr. Lynch read letters from Andrew Sheehan and the Building Inspector, who noted no violations except a U-haul truck and trailer were noted outside the fence on Butterfield Street.

Mr. Lawlor read the conditions on the license and said that the BOS has no report of any violations. He closed the public hearing.

Mr. Lawlor said he has looked at the fence and it looks kind of tired. Mr. D'Angelo said he is trying to get corrugated metal, not fiberglass and he is working on it. He wants it up, too.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to renew the Class III license for North Chelmsford Auto Parts with the conditions as listed. Mr. Lawlor added to the motion that within 2 months Mr. D'Angelo should report to the Board on the progress on the fence.

Michael Brown was present asking for a transfer of the Common Victualer license for Brickhouse Pizza, 67 Middlesex Street, from Juliano's to him. He has bought the business and is trying to update the building. Mr. Dalton asked if there will be changes in the menu and Mr. Brown said not right now.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the transfer of the Brickhouse Pizza Common Victualer license to Michael Brown.

Under Unscheduled Business the Board voted on the Country Club Too

application for a transfer of license from Beer & Wine to All Alcoholic. Mr. Lawlor stepped down for this discussion and vote.

Vice Chairman Gates said the BOS had closed the Public Hearing but continued the vote until tonight's meeting.

Mr. Lynch said he has spoken to Police Chief Armand Caron and his position remains the same as stated at the Public Hearing on Dec. 2, 1996. He is recommending against the transfer right now but he is impressed with the owners cooperation to date. He would like to work with David Cunha over the next several months to try to curtail the number of calls. A detail police officer has been assigned to work outside in the parking area.

Attorney Dennis McHugh addressed the Board, saying that his client had asked for a police detail three weeks ago and that the parking lot incidents don't result from inside Mr. Cunha's place of business. Mr. Cunha has had his Beer and Wine license since 1992 and wants to maintain a safe establishment. Mr. McHugh asked the BOS to consider the effects on Mr. Cunha's operation - it is difficult for a commercial landlord to lease the lower portions of his premises when incidents are taking place in the parking lot.

David Cunha was present with his attorney Charles Zaroulis and said he is working hard with the Police Dept. and has had no problems with his Beer and Wine license. He has a sincere and vested interest in maintaining a high quality establishment.

Mr. Dalton said he went to the establishment last night to watch the operation in full bloom. It is a tight operation and he has a closed circuit TV to see all areas at once. He spoke to the Police Chief today to see if he's changed his mind but he still has grave concerns. He would agree to a 3 to 4 month wait to see what impact the problems are having. Mr. Dalton said he is having a difficult time going against the Police Chief and doesn't want the Town to say that we're going against his recommendations.

Attorney McHugh said that there is no established nexus between what's happening outside and inside. So many calls that Mr. Cunha has made to the Police Dept. are calls with an anticipated need. This is a commercial enterprise and he is not looking to expand the building. Not granting this license would mean a 4 - 6 month loss of revenue to a person who has had no problems himself. Alcoholic problems happen before people go inside. Mr. Dalton said the Police Chief did say that the problem may not be in his establishment.

Mr. Cunha said that he is doing remodeling downstairs and has a Special Permit from the Board of Appeals. He was anticipating getting the license - all leagues start the end of January and run for 6 months. He would have to wait until summer. He said he wants to expand downstairs but Mr.

Lynch said his Beer and Wine license is only good on the second floor. Mr. Cunha said that Country Club USA, of which he is President and Treasurer, owns the building and the parking lot. Mr. Lynch said that he thinks the Police Chief's

recommendation for expansion of the premises for beer and wine would be the same - that he is not recommending expansion of the premises.

Ms. Gates said that before us right now is the granting of the All Alcoholic license. Dr. Weisfeldt said he has received many negative phone calls, and we do represent the public.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, to deny the All Alcoholic license to Country Club Too. Vote was 3 in favor, 1 abstention (PVL).

Mr. Dalton said he personally would like to see them come back in 4 - 6 months.

Mr. McHugh said that if the license is denied, they can't come back for a year. Mr.

Lynch said they could withdraw without prejudice, but after conferring with his client, Mr. McHugh said they would go with the vote.

Attorney Joseph B. Shanahan, Jr. was present stating that he was scheduled on the agenda for 7:45 p.m. Mr. Lynch has told him that the Board has voted to renew each of the 3 All Alcoholic licenses of his clients - Mai Kai, Hong & Kong and Boulevard Lounge - for 1997, with the stipulation that they correct any violations. Mr. Shanahan said he did send a letter to the Board stating that his clients were not notified of any concerns prior to December 16th.

Ms. Gates asked for a motion. Motion by Mr. Dalton, seconded by Dr. Weisfeldt, that Ms. Gates advise the 3 establishments in writing that the Board has renewed their licenses for 1997 and list the stipulations the Board is requiring be met. Vote was 3 in favor, 1 abstention (PVL).

Mr. Lynch said to Mr. Shanahan that he stated in his follow-up letter that he would be here at 7:45 p.m. if the Board had any questions of his 3 clients.

Mr. Lynch reported that he is appointing Martin J. Walsh as the Town's Veterans' Agent effective immediately. He served in the service in the 1960's. Regina Jackson will stay on and do the paperwork and work with Mr. Walsh 3 days a week. He said she is doing an outstanding job.

It is his recommendation that Chelmsford stand on its own for the time being and not stand with the Town of Westford as a Veterans' District. Ms. Jackson is now assigned as assistant to the Veterans' Agent. He has spoken with Town Counsel and other communities on this matter.

Mr. Lawlor said that this is no negative reflection on Regina Jackson at all.

Mr. Lynch stated that both the Chelmsford BOS and the Westford BOS say that she has exceeded our expectations and done an outstanding job. His mistake was assuming that a veteran was a veteran, regardless of when they had served. He has spoken with the Westford Town Manager and he concurs that they should do it alone for now. He may come back with a recommendation for regional services at a later time.

Mr. Lynch said that the last time the BOS didn't have to vote because the Town Managers of both Towns were designated as Veterans' Service Managers. He hopes the Board will approve this appointment.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the appointment of Martin J. Walsh as the Veterans' Agent for the Town of

Chelmsford.

Ms. Gates reported that NMCOG needs us to buy into an agreement with Westford and Lowell re the Bike Path. Mr. Lynch said he received a letter today and he sent his input to the Mass. Highway directly. It is their responsibility to build and maintain the bikeway and the Town's responsibility to police and take care of our portion.

Mr. Dalton asked to amend his policy on contract review he presented at the last meeting: That the Board of Selectmen be notified of and allowed to review all contract proposals, RFP's and bids at the Town Manager's Office at least five (5) working days prior to the award by the Town Manager.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, unan. that the Town Manager allow the BOS 5 working days to review all RFP's and bid proposals prior to his award.

Mr. Dalton reported that the FinCom met last Thursday night and the Chairman said that she was impressed with Chief Parow's budgeting process.

He will try to attend the Middlesex County Advisory Board meeting tomorrow night.

Traffic and Safety meet on Jan. 15th.

A resident at 179 Dalton Road call re several potholes that no one seems to have looked at. Mr. Lynch said he will send someone out to do so.

Dr. Weisfeldt reported that the Master Plan Committee is meeting tonight and will have recommendations at the Spring Town Meeting.

The School Committee is meeting with us on Jan. 21st, and Carol Cleven has told him that she doesn't think the State has the money to follow the LWV proposal for Ed Reform.

The Sewer Comm. has completed their North Road project until spring.

Mr. Lawlor congratulated the Library people on an excellent job and wants to ask to a meeting to let us know where do we go from here re scheduling, etc.

He said that at the Dec. 16 meeting two Class II Auto Dealer's were to be notified that they should apply for Class III licenses, and Mr. Lynch this has been done. He also said that the Bldg. Insp., Fire Dept. and Board of Health have inspected the Princeton Street Property Can Goods Plus.

Mr. Lawlor commended the Police and Board of Health for rapidly responding to the Brick Kiln Road situation.

Mr. Lawlor reported that re the LRTA, they are proceeding with plans for the expansion of the Gallagher Terminal. Their weighted votes depend on the census, and Chelmsford's has gone from 10.2 to 11.8.

Mr. Dalton asked Mr. Lynch if he has settled the ambulance contract and Mr.

Lynch said we have tied down minimum hours of covering service, replacing medical supplies, joint training for dispatchers, and will have ambulances marked as serving the Town of Chelmsford.

Dr. Weisfeldt said that Carol Cleven has asked if the Board has any reports on the County going bankrupt and Mr. Lawlor said he can tell her that we have a member on the Advisory Board and we continue to make payments.

Under Press Questions Brian Gormley asked why a 3 month restriction on licenses and Mr. Lawlor said we can vote only to renew or not renew and Town Counsel advised us that our vote on the 16th was not wise so we re-voted tonight.

Mr. Gormley asked why not on Auto Dealers and said that is not required by State law. Mr. Lawlor told him that if we have specific reasons with a license to take disciplinary action we have to notify the licensee in advance. However, in these cases we did not feel that we took disciplinary action.

At 8:30 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Executive Session to discuss litigation. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

J. L. E. Cate - J. L. E. Cate

Town Clerk

RECEIVED

97 FEB 12 AM 9:29

Regular meeting of the Board of Selectmen held Monday, January 27, 1997 at 7:00 p.m. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

Chairman Lawlor called the meeting to order and noted that we have had some passings since our last meeting - Paul Tsongas, CHS teacher Melody Mitropoulos and Bernie Clark, who was a genuinely larger than life person. He asked for a moment of silence for them.

George Simonian, Joe Marcotte and Judy Sawicki, members of the CHS Hall of Fame Committee were present during Public Service Announcements. Mr. Simonian announced the 7th induction into the Hall of Fame on March 22 and read the names of the inductees. He also said that Bob Charpentier will receive the Golden Lion Award.

Peggy Dunn, Chairman of the Winterfest Committee, was present with new buttons that say 1997 and Chairman Lawlor purchased them for the BOS and Town Manager. She ran through the schedule of events for the 1997 Winterfest, running January 31, February 1 and 2.

Chairman Lawlor asked for Linda Morabito to speak and Cornelia Kirkpatrick, 37 Clover Hill Drive and many neighbors were also present. Ms. Gates asked to speak, saying that the State has approved the upgrading of the Chelmsford rest areas on Rte. 495. One abuts the lime quarry and one the Clover Hill Drive neighborhood. Ms. Gates said she had gone to a NMCOG meeting 7/17/96 when they voted on the TIP program. The Rte. 495 rest stop projects were on that list and we had major reservations about them. She added that we have no direct authority to stop that project. NMCOG Director Bob Flynn told her that Mass. Highway would work with the Town to come up with a plan, but we received no notice until last week. Mr. Flynn has written to Commissioner Kevin Sullivan at Mass. Highway and has been putting pressure on them, but there has been no written response from them.

Mr. Lynch said that the Environmental Notification Form (ENF) was filed and there is a site meeting on Friday at 1:00 pm. We have been monitoring the situation.

Ms. Gates said that it is probably impossible to close those rest areas, that it is a federal requirement to have them, but we need to work on sound barriers and vegetation with Mass. Highway.

Linda Morabito, 28 Clover Hill Drive, said she found a surveyor in her back yard 3 weeks ago, on Jan. 6th, who said he was measuring for the rest area and said they were going to expand it. Andy Sheehan and Mr. Lynch were both surprised that the southbound side is being expanded. She said she had a meeting of the neighbors Friday night and they have major concerns - home thefts, stolen property and gays. The trees would be cut down for expansion, and they now give protection from the noise on the highway. Many trees in the area are painted orange. meaning they would be cut. They are concerned with air pollution and they can smell diesel fuel now. The plans show that trucks will be parked closer to the neighborhood, and they also have a concern with sewerage problems - they are in a low area. They are concerned with the impact of new construction since they are talking about putting a cement gutter along the property line. The neighbors have questions about how will the rest area toilets be serviced, what will happen to their property values and privacy. They are concerned with lights shining into their windows and strangers using their property. They feel their rights have been violated and they were never notified

of this proposed expansion.

Mr. Lawlor asked Mr. Lynch for any additional information and he said it has pretty much been covered. They are not yet at 75% of the design completion and the state won't take public input until that stage. There is still a possibility for changes, and scrubbing the project. Mr. Lynch said we will have staff there on Friday to express our concerns about noise, elimination of trees, composting toilets - the Board has been very clear with the State that we're concerned.

Mr. Dalton commented that we were hoping they would close them, not expand. He is concerned with the drain ditch and fuel leaks and hopes we get a buffer.

Ms. Morabito asked if it is legal to run a truck all night long and was told Yes, if it is within a truck stop area.

Mr. Dalton said they are expanding the area because there are now tractor trailer trucks parked along the highway, creating a dangerous situation.

Ms. Gates said that all of us have been concerned knowing that there was a potential plan but the information wasn't available. She told Ms. Morabito that we'll all do everything possible to protect our community and their neighborhood. She said that the State owns the land where the rest stops are now, and it is unlikely that another site would be chosen.

Mr. Lawlor commented that Clover Hill is not currently sewered, and there is a noise issue now.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. that the BOS ask the Town Manager to send letters to Kevin Sullivan, Carol Cleven and Susan Fargo to help us take whatever action we can, with copies to Ms. Morabito and the neighbors.

Mr. Lawlor concluded by saying that all Town Boards are by-passed with State projects, and thanked the neighbors for coming in.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the minutes of December 16, 1996 and January 6, 1997, both Regular and Executive Sessions.

Under Town Manager Reports Mr. Lynch said that re Brentwood Road drainage he has received a memo from DPW Director Jim Pearson saying that he is monitoring the drainage and to date there have been no problems. He will continue to monitor it and report back in a month or two.

Under Appointments Mr. Lynch has appointed Thomas M. Firth, Jr. to fill the vacancy in Precinct 4 on the Veterans' Emergency Fund committee, as recommended by committee chairman Alfred Coburn.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this appointment.

Mr. Lynch said he has appointed Jacquelyn Matthews to the Council on Aging.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this appointment.

Mr. Lynch said that he is notifying the Board of a contract proposal received by the Board of Assessors for assisting the Town in the revaluation of commercial properties. The one bid received was from Vision Appraisals for \$23,800. In accordance with BOS policy he will make the award at the next BOS meeting.

Jeff Barber was present from Mass. Electric with a petition proposing placing 18 poles from Technology Drive along North Road to the Rotary and then along Drum Hill Road. They have also filed with the State since it is a state road. They will install another circuit out of Quigley Avenue and Nynex and Mass. Electric will petition later for two poles on Quigley and North. Mr. Lawlor asked who will it

serve and Mr. Barber said it will be another distribution center to assist other circuits in the area and cut down on the number of outages. Mr. Dalton asked if these are additional poles and Mr. Barber said Yes, they are poles to provide more service and they will be able to install lights on North Rod if the Town requests. Dr. Weisfeldt asked if there is a possibility of going underground and Mr. Barber said they want overhead - underground is ten times the cost and harder to maintain. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the petition and Plan 727-A.

Mike Donoghue, Chairman of the Little League Board of Directors, met with the Board to discuss the League's plans. He said they had 1400 boys and girls and 94 teams last year. In 1998 they plan to regroup ages - 5 & 6, 7 & 8, 9's, 10 - 12 and 13 - 15.

He said that several fields need work and at Roberts Field they will repair both infields and put in a sand/clay mix, at a cost of app. \$10,000. They will eliminate the grass play area, which makes it easier for maintenance. Mr. Lawlor said that the Town has a great relationship with the Little League - the fields are impeccably maintained and we cede exclusive rights to Little League to control the Rte. 110 fields.

Mt. Donoghue continued that they have 3 fundraisers - Christmas tree sales, the refreshment stands and the signs they sell to businesses along the fence.

Mr. Dalton asked if they are looking at other fields and Mr. Donoghue said they want to redo Strawberry Hill, off Jordan Road.

Dr. Weisfeldt asked if there are any rules against changing the infield and Mr. Donoghue said that the clay/sand mix is softer and we can't put cinder dust down. We do our best to provide the best for our kids and may start T-ball again in 1998. Mr. Lynch said that Jim Pearson and Ed Jamros have worked closely with Little League on Roberts Field and we're excited with the possibilities.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to accept the in-kind donation of materials for Roberts Field, and Mr. Lawlor said that we'll remove the rest of the fence.

Mr. Donoghue said they're concerned with the bike path, and want to work pro-actively to integrate it into our facility.

Ms. Gates said we are trying to have it designed to put the path behind the field.

Mr. Donoghue mentioned a second concern - that their dumpster enclosure trash tends to blow from the business dumpsters on Alpine Lane behind the stores towards theirs. Mr. Lynch said he will speak to the Board of Health, that all dumpsters are supposed to be enclosed.

Mr. Lawlor asked if they had considered closing in their parking lot on Rte. 110 and using the space behind Town Offices. Mr. Donoghue said they do use that for overflow parking and hire a Detail Officer for special tournaments.

Attorney William Mullen, representing The Courthouse and Jay Finnegan, then addressed the Board. Mr. Finnegan has sold the Courthouse to Maker-Cronin, Inc. d/b/a The Courthouse Health and Wellness Center. Julie Crema is the General Manager and Susan Cronin Picard the Controller. They will run the business as they have been under Mr. Finnegan.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to approve the transfer of the All Alcoholic Liquor license at 5 Courthouse Lane to Maker-Cronin Inc.

Mr. Lawlor said that he has received an opinion from Town Counsel that he can vote on any pouring license since he has made a public document disclosure to the Town Clerk. Vote on the transfer of the license was 4 in favor.

Mr. Lynch then introduced Kevin Osgood, President of Sterling Golf Management Company, and Gerald Fitzgerald, Manager of the Chelmsford Country Club. Mr. Lynch said they have made major improvements and it has been a good year.

Mr. Osgood said they have a two year lease of the course, with a two year option. No one played in April and May, until the leagues started. He said that Gerry has done a lot of PR work and they ended with 18,000 rounds played, although they had hope for 24,000 rounds and feel the course has been underutilized in the past. Their main objective is to improve the golf course, golf is booming in the area. The Town has added an inside stairway and made the bathrooms ADA accessible. The Health Departments is pleased with the changes and the Town put on a new deck. Mr. Osgood said they have a 5-year capital improvement plan and we have committed 8% of our gross in 1987 and 98. They are taking the 4th tee and making a building an entire new hole, and hope to have it playable by May. The Town is working on a maintenance building and Sterling is working with the Town on a new irrigation system.

They are working on new golf programs and Gerry Fitzgerald explained the program - there were 140 in the Junior Program and he wants to expand it and include special needs youth. They have expanded the driving range and want to expand the Junior program to children under 7 years of age.

Mr. Osgood said that Gerry is hosting a lot of tournaments and improvements to the course have brought people back. They are pleased with the restaurant and function hall and have no complaints from the neighbors. They tried to expand on the restaurant but it seems better geared to serving golfers and functions - league play and local outings.

Mr. Lawlor asked Mr. Lynch how the club did from the Town's end. Mr. Lynch said the Town is glad not to see 30 more homes. We wondered how we would manage the golf course and this is a partnership between the Town and Sterling. We received 12% of the revenue, with a minimum of \$50,000, and it is to our benefit to bring the course back and to keep investing in it. It will make the course a resource generator for the Town. We need to build a maintenance shed to protect our investment. We should get back the million we spent within 6 - 7 years, and then the club will be a profit maker. Mr. Lynch said he is pleased with the current arrangement but we need to get the irrigation system installed.

Mr. Dalton said it is imperative to get irrigation - golf is green, not brown. We looked at the \$1 mil as a money generator and he wants to stop the negative criticism - we also did it to preserve open space.

Mr. Lynch said as to how much has the Town put in - \$21,000 over the past two years in maintenance, and we will spend more for irrigation and a maintenance building.

We spent \$1 mil - if 30 homes were built they would pay about \$150,000 per year in taxes and with 50 students at a cost of \$5500 per student, it would take \$250 - \$275,000 in educational costs and with other services, would cost the Town \$280 - \$290,000.

It is now \$190,000 positive to the Town and we will pay for the course in 6 - 7 years.

Mr. Dalton said that Sterling has done a superb job and Ms. Gates thanked them for running such a nice program and said she can't think Gerry enough. Kevin Osgood said that They want to expand the Junior program at no cost.

Dr. Weisfeldt asked what about the litigation and Mr. Lawlor said that is ongoing, and only concerned with the purchase of the course.

Mr. Fitzgerald said he might have Senior lessons on Thursday mornings. They currently have 125 members and Kevin said that on March 1st they will open up to increase the membership to 150. Until March 1st the priority will be given to Chelmsford residents. He went over the fee schedules.

Dr. Weisfeldt said that the neighbors are commending them for the physical improvements - flowerbeds and trees. Mr. Osgood said if there are any complaints, to please call the club.

Mr. Lawlor said he would like to schedule a Work Session of the Board to take place there.

Under Unscheduled Business Mr. Lynch explained the background of the traffic light at Technology Drive and North Road - that the developer will pay for the traffic signal. The Planning Board has met with Nordblom and Drum Hill Chelmsford LLC and the Town will obtain the permitting from the State. Nordblom will install the light, the Town will pay for the electricity and the State will provide maintenance.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to authorize the Town Manager to enter into agreements with the State and Drum Hill Chelmsford LLC. Mr. Dalton asked about making North Road only one lane each way again and Mr. Lynch said he will talk to the State again but the purpose is to make two lanes turning lanes and to slow down traffic.

Mr. Lynch then gave the BOS a 6-month update on the financial condition of the Town, as of 12/21/96.

Through the use of overheads, Mr. Lynch said that with 50% of our fiscal year completed our revenues are at 51% of the budgeted level and expenditures at 43%. He went over revenues, noting that MV Excise taxes and fine and forfeit receipts are considerably behind projections. However, interest and penalty payments on late taxes, fee receipts, rental income license and permit receipts, hotel-motel tax revenue and miscellaneous receipts are all well over the 50% mark for 6 months.

He went over expenditures, noting that we have spent only 43% of our budgeted expenses, with a 2-month lag in the School Dept.

Mr. Lynch feels that our financial condition is very good with above expected revenues and currently below anticipated expenses.

Mr. Lynch then discussed the League of Women Voters Education Reform proposal. In FY97 Chelmsford received \$3,970,544 for schools - the LWV proposal would give us over \$9.2 mil. The State revised formula is extremely complex and the LWV's proposal is done in a straight line fashion. Chelmsford is considered one of the wealthier communities and the League's proposal is a simple formula - logical distribution of the money. Mr. Lynch is recommending that the BOS go on record as being in favor of this legislation and write to Rep. Carol Cleven. The legislation does not touch Prop. 2 1/2 and it is in the Town's interests to go after that money. Motion by Ms. Gates, seconded by Dr. Weisfeldt, that the Board send a letter through the Town Manager to Rep. Cleven in support of the LWV Educational Reform proposal. Mr. Lynch said there is the argument that the State can't afford to do this, but it is the same dollar amount, just a different distribution schedule. The likelihood of the State pulling out the money is almost non-existent - so let's get the money while we can. He said that some flaws in the current formula go back to 1969. Ms. Gates said that in no way could this be bad for us - they need some formula. Dr. Weisfeldt said let's go for the money now.

School Committee member Judy Mallette said she thinks Mr. Lynch has covered

the proposal very well and hopes that the BOS will join the School Committee in that battle.

Mr. Lawlor said take what you can when you can.

Vote on the motion was 4 in favor.

Re Appointments, Mr. Lynch is recommending re-appointing all the Deputy Constables who served last year. and read the list. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve these appointments.

BOS Reports and Referrals - Dr. Weisfeldt reported that the Sewer Commission is quiet now, that we had a fruitful joint meeting with the School Committee, and that the Master Plan Advisory Committee is planning for the Annual Town Meeting.

Mr. Dalton reported that John Coppinger and Jim Moriarty are on the committee for Public Safety night. Mr. Coppinger spoke to the Board, saying that he is re-inviting them to attend the Chelmsford Elks on Saturday, February 8 to show appreciation to the Police and Fire Departments. Mr. Coppinger named the committee members and said that Mr. Moriarty is the Master of Ceremonies.

Mr. Dalton questioned Gov. Weld's budget and Mr. Lynch said that he hasn't funded school building assistance yet so we may get our \$600,000 for the Center School a year late. We can still fund the work under the Capital Budget and Stabilization.

He asked Mr. Lynch about Vinal Square and was told that there are no further reports - we still have issues re the road layout and will look into it when the road is repaved. The changing in the timing of the lights has occurred.

Mr. Dalton said he wants a running list of double poles and when they are removed. Mr. Lynch said he has asked Marian Currier to contact them to give us a report.

Mr. Dalton asked what is the green box on poles, above the meters, and the Cable 43 cameraman said it is for Cable TV.

Mr. Dalton said he wants to put an article on the Annual Town Meeting warrant to change the time frame on special elections and ballot questions. Mr. Lynch said he has asked Town Counsel to look into this and asked him to use language that incorporates both our charter and State law.

Mr. Dalton said he was surprised to see the article about a Town Planner in the newspaper, and asked what are Andy Sheehan's responsibilities right now. Mr. Lynch said he gives support to the Conservation Commission, Board of Appeals and Planning Board. He said the Master Plan Committee of the Planning Board is talking about a planner position to coordinate land use departments, centralize grantwriting, a person who could channel information in and out of these offices. Mr. Lynch said he wants to work in partnership with the Planning Board and that many people are interested in the whole concept of planning - the Blacksburg plan, etc. We need planning of infrastructures and community development and we're lacking in that. Andy is doing some of the work now but he doesn't have the authority to coordinate with the Planning Board. It is more cost effective to take the person we have now and give them more responsibilities.

Mr. Dalton said we should have a job description and Mr. Lynch said this is still in the initial stages and a lot more work needs to be done on it.

Mr. Dalton then said he saw an item in BackTalk that the Fire Dept. should have

been called in to search for a missing 8-year old boy. Mr. Lynch said in his review of the incident the Police acted properly all the way through - they called the canine officer from Tewksbury and 2 officers from the State Police with canines and 6 more trained in search, and the State Police helicopter. They wanted a limited number of people, so as not to throw off the dogs and the helicopter's infrared detectors.

Mr. Dalton said it's the Fire Departments's job to search for people as part of public safety.

Mr. Lynch said the Police have an appropriate procedure, and found the boy within 2 hours at a relative's house.

Ms. Gates asked is there a policy that says the Fire Dept. should be called, and Mr. Lynch said there's a procedure that's followed - certain levels have to be reached before others are called in and it has to be taken step by step. At some point in time the Fire Dept. would be called in but they weren't at that point. The plan was followed.

Mr. Dalton said that the Fire Dept. is perfectly capable of searching.

Mr. Lynch said he thinks the Police acted properly and didn't send out a lot of people at once.

Dr. Weisfeldt said he would like to see the appropriate protocol involved.

Dr. Weisfeldt said that there is reactivation of the Center School Construction Committee.

He added that he doesn't know the recommendations of the Master Plan Advisory Committee re a Town Planner.

Ms. Gates reported that at the MMA conference she learned that they're starting a decorative streetlight program - could the Town Manager contact them to see if we could participate.

We should look into energy efficient exit lights - we would be reimbursed for them. She asked Mr. Lynch if he has found space for an ADA office and he said he is still looking.

Ms. Gates asked if we should put "Deer Crossing" signs on Route 110 - several have been seen in that area.

She asked that we obtain a list of CH 61A land - and try to preserve it as open space. She asked if the BOS could hold a meeting in the Cable TV Studio.

Mr. Lawlor said that most of the Board members and the Town Manager attended the MMA Annual Meeting. All of us attended different sessions, and learned a lot of new things.

The BOS met with the School Committee and they are looking for app. \$3 milmore, which is an increase of 10% over their current funding. We had good arguments and have to figure out what we as a Town could do - he wants the BOS and the Town Manager to come up with ideas.

At 9:55 motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Executive Session to discuss pending litigation and collective bargaining. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Gates

Regular meeting of the Board of Selectmen held Monday, February 10, 1997. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

During Open Session Bill Griffin, Precinct 2, said he is doing a follow-up to what he initiated two weeks ago - saying the Fire Dept. should have been called to help search for a missing child. He read a letter written today that he hopes will close that issue, and said that the BOS should nip stories in the bud that are misleading and cause rumors. He asked that the Fire and Police Chiefs be present when any public safety issues are discussed.

Ms. Gates read Mr. Lawlor's response to Mr. Griffin and said she is not in favor of any policy that restricts the Manager's speech. She wants the public to have confidence in the Police and Fire Depts. and not waste time responding to unsolicited opinions.

Mr. Dalton thanked Bill for responding and said it is a disgrace that the BackTalk column will publish taped messages with no names. He said that Deputy Curran and Lt. McCusker have set up an agreement and the policy is almost completed. He said that he may have jumped the gun but thought it was an issue to be addressed as soon as they heard about it.

Dr. Weisfeldt said he has done a little research and the 1987 protocol that has been in place is now being amended. We shouldn't respond to BackTalk.

Evelyn Thoren then addressed the BOS on the Arts and Technology Fund and handed out application packets for the 1997 funding cycle. She asked to be on the agenda in March, and said that new inserts will go out in the excise tax bills and 4th quarter taxes. Ms. Gates asked the cost of this fund and Mr. Lynch said the cost of printing the forms and staff time to input the information.

Chief Armand Caron was present and acknowledged the outstanding work of Lt. Raymond McCusker in the investigation and conviction of John Kalhauser. The Chief went over the details of the case, which started in May, 1979, and said that Lt. McCusker's efforts have to be commended and his level of dedication is unsurpassed. The Chief and the Board gave him appreciation certificates.

Ms. Gates moved to proclaim Child Safety Awareness Week and read the proclamation. Chief Caron accepted the proclamation.

A Public Hearing was held on the application of Boston Market for a Common Victualer's license to be exercised on the premises at 40 Drum Hill Road. Carlos Davis represented Boston Ltd. Partnership, a Woburn company who operate 40 Boston Market locations. The site has been developed jointly with Einstein Bros Bagels, who Mr. Davis also represents and are applying for a license also. They share the same building and a 115 space parking lot and drive-thru service. The project went through Site Plan review and was approved. They have received a temporary Occupancy Permit from the Building Inspector, which will be final as soon as the paving and landscaping is completed. Einstein Bagel has 36 seats, and 12 on the patio. The building is 5,000 sq. ft. and

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Boston Market has 3,000 sq. ft., with 80 seats.

No one present wished to speak for or against these licenses.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to grant Common Victualer licenses to Boston Market and Einstein Bros Bagels, contingent upon completing the requests by the Planning Board.

The Board then held a Dog Hearing concerning the Rottweiler dog owned by Richard Dumont, 10 Percheron Road. Mr. Lawlor asked that anyone who would testify be sworn in.

Peter White, 9 Lafayette Terrace, spoke referring to the petition letter calling for the hearing. and stating that the neighbors feel threatened when the dog is loose.

John Gould, 23 Windsor Street, lives right around the corner from the Dumonts and said the dog is a giant Rottweiler. He and his wife took a walk last summer and the dog scared them. He has a tremendous propensity for violence, and scared them so they had to run through backyards to get home and call the Police. The dog was at least 40 feet off his property, on the opposite side of the street, and the people in the house are renters. not the owner. as far as he knows. The dog was tied this afternoon but lunged at his wife. The dog is a threat to the neighbors and children, not a typical neighborhood dog, and we are fortunate that there have been no tragedies yet.

Phyllis Lavita, 8 Windsor Street, said last December she was going out at night and there is a dark area by their pool and the dog lunged at her. She fell into her house as the dog got to her door. He is a major problem - they can't even walk their puppy and it is not safe, as the dog is out at night.

Joanne Aronie, 7 Percheron Road, has seen the dog out unleashed and the dog came after her car. The Dumonts have two dogs and the second time the Dumonts' two dogs were in her yard and the Rottweiler came to their deck and her husband had to throw a chair at him.

Mark Healy, 13 Windsor Road, has 3 children under two, and the dog came into his back yard and his son tried to pat him. The dog eventually backed off, but Mr. Healy is afraid because in a year he will have three toddlers out playing in their yard.

Milka Jeknavorian, 4 Percheron Road, said she and Loretta Weaver take walks every day and the dog has jumped at them twice. Her husband can't jog in that direction - that dog will jump anyone.

Cara Thissell, 21 Windsor Street, directly across from Mr. Dumont, said her three year old was outside and ran to meet the mailman at the curb and the dog jumped at her. The mailman picked the child up. The Dog Officer was called but the owner wouldn't respond to him. When the dog and owner were in their yard the dog barked aggressively and the owner wouldn't call in the dog. Her backyard is their front yard and she doesn't dare to let her children out.

Tim Foley, 11 Windsor Street, said he has 3 children under 5 and his wife is afraid to

walk down the street in that direction.

Frank Warren, Dog Officer, then testified, saying it is his responsibility to enforce the Town by-law and said he submitted a lengthy report. Mr. Lawlor asked for a summarization and recommendation. Mr. Warren said he was there on Feb. 6 at 8:30 am and on Feb. 10 at 11:20 am and both times the dog was tied out. Since the hearing has been called the owner seems to be accepting a little more responsibility. There have been so many complaints that he hesitates to say that the dog will remain tied. He has had 10 calls re this dog in the past year and hasn't been able to pick up the dog on the street. He has spoken to Mr. Dumont and made him aware of the leash law. The dog is on a big chain that he feels is secure enough for the dog.

Ms. Gates noted that the report shows a dog bite on 2/24/96 and Mr. Warren said it was in the neighborhood, but not this dog.

Mr. Warren said he has always stuck up for the dog owner until this time. Car Thissell said the dog runs loose at night.

Lt. McCusker said it is an emotional issue when dealing with dogs and children, but the Police Dept. feels no one should have to live in fear. Their recommendation is for the dog to be restrained and if there is any further violation, the dog is to be banned from Town.

Richard Dumont, the dog's owner, then spoke, said he can understand how people could be afraid of the dog. He protects their yard and hasn't been off the leash since Mr. Warren spoke to him. He will bark at adults. He said that the dog goes to the Chelmsford Day Care Center for Show and Tell, and he has him chained to an Aircraft cable. Mr. Dalton asked him how long has he lived in Town and he said about a year. Mr. Dalton said the residents have legitimate concerns and Mr. Dumont said he keeps him on the wire but he has gone through the screen door a couple of times. Ms. Gates asked if it a dog run and Mr. Dumont told her an Aircraft table with a swing set chain. He added that the dog is in the house when he's not around.

Mr. Lawlor asked if there were any new comments and Ms. Lavita said that the second week of December if Mr. Dumont knew there were concerns why was the dog loose.

Maureen Poole, 7 Windsor Street, asked why wasn't the family adhering to the leash law when they moved in.

Mr. Healy asked if Frank Warren has ever seen the dog up close and Mr. Warren said No.

Mr. Lawlor said there are various things the BOS can do - nothing on one end to ordering the dog destroyed. We take these complaints very seriously. He asked that the BOS admit into evidence the written report.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to admit into the record the 3-page report from the Dog Officer, dated 2/20/97, but only those portions that pertain to this dog (attached hereto and made a part hereof).

Dr. Weisfeldt felt that the dog should be restrained for a specific period of time, and if not should be banished from the Town. Ms. Gates said the dog should be banished but suspended - that the dog must be kept in the house when the owner is not there, if the dog is outside he must be on a leash and if there is one complaint that the dog is loose the dog will be banished.

Mr. Dalton said he agrees with Ms. Gates - he has two dogs and keeps them restrained. He could also put a muzzle on the dog.

Mr. Lawlor said that if we issue a banishment order with a probationary period, if there is another violation we don't have to vote again.

Ms. Gates noted that the BOS finds credible evidence that the leash law has been violated by the Rottweiler dog, license #3009 owned by Richard Dumont, and placed the residents in fear. She moved that the BOS move to banish the dog but to suspend the banishment for 6 months, and if any complaint is verified by the Town Manager's office the dog will be banished immediately. Mr. Dalton doesn't think there should be a probationary period - he wants to have the dog leashed and muzzled when outside and the leash law be obeyed.

Motion seconded by Dr. Weisfeldt. Ms. Gates wants to see the dog banished and the banishment suspended, and she doesn't want to see the dog muzzled.

Mr. Lawlor asked Mr. Warren if he respects muzzling and Mr. Warren said Yes. Mr. Lawlor asked if the neighbors would be safer if the dog is muzzled and he said in this case, Yes. Motion then read the dog is banished from the Town but the banishment is suspended and the dog must be leashed and muzzled when not in the house. If there is any violation of this order verified by the Town Manager's Office the dog will be banished immediately. The vote on the motion was 4-0, unanimous.

Mr. Lawlor said if the dog is not muzzled it is a violation of the order and the dog will go. He added that the owner has the right to appeal to the District Court. The motion takes effect now - Mr. Dumont may walk the dog tonight and get the muzzle tomorrow.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the minutes of January 27, Reg. and Ex. Sessions.

Under Town Manager Reports Mr. Lynch reported that our Workers' Comp plan costs the Town several thousand dollars each year, and we are concentrating more effort on trying to lower this. We have noted of the many claims under Workers' Comp that there is a high number from the School Department and the Superintendent is addressing this. He will keep the Board updated.

Mr. Lynch reported that he is presenting his FY98 budget to the FinCom Thursday. The budget is balanced - the expenditures don't exceed the revenues and balanced out all the needs of the community. Of particular concern is the area of the school budget - we are giving them an increase of app. \$1.3 mil and will monitor changes in the legislature re State contributions to education. He noted that all collective bargaining agreements expire this year.

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Mr. Lawlor said that he had asked the Town Manager and the Board to think

about ways to fund the School's \$1.6 mil difference that they are asking for. He said that there is not much the Board can do re the FY98 budget but there should be some kind of performance and efficiency audit of the School Dept., not that they're not careful and frugal. Growth in the School Dept. budget has been rising at a fast rate, and if we're not giving them what they need we have to look at the Town side to figure out how to provide it. We need more information that we might obtain from an audit.

Mr. Lynch had said \$800-\$900,000 more but the figures are still fluid. We may have savings in Snow and Ice. At the time of the joint meeting that's all we could give but now we can do \$1.3 mil. Over the last 5 years we've added a tremendous amount to the School budget. School enrollment is up 7 % but the School budget is up 25%, and 30% over the last 6 years. The monies we're putting forward now are consistent with what the School Dept. felt was their FY98 goal in a report 2 or 3 years ago. We both try to project out what the needs will be. There are a number of variables and he feels good about the \$30.5 mil budget, which is a \$5.4 mil increase since FY94. Nashoba Tech is up to \$750,000 and the Charter School \$800,000. There are not as many students as they projected 2 or 3 years ago.

Ms. Gates said she supports the idea of having an audit and how do we see that it happens. Mr. Lynch proposed that the BOS allow him to draw up a summary of the types of services that we're looking for and try to make it a joint effort with the School and FinComs. We're all looking to solve this problem.

Dr. Weisfeldt said he agrees there should be an auditing process, that we need to know where the money is going.

Mr. Dalton said the School Dept. is always looking for more money, and they need to show the taxpayers they're getting the biggest bang for their buck. The School Dept. will come out ahead in the long run.

Motion by Mr. Lawlor, seconded by Dr. Weisfeldt, unan. that the Town Manager formulate, in conjunction with the BOS, a proposal, the elements of which will form the foundation for an RFP to evaluate performances and efficiency of the Chelmsford School Dept.

Mr. Lynch reported that he met with residents of Clover Hill Drive regarding the Rte. 495 South rest area. After 3 hours he feels it was a good meeting - Mass. Highway was there and they got ideas and issues out on the table. The residents have formed a smaller group and he will work with them. Andy Sheehan is to draw up our issues and concerns, and the residents must respond to the environmental review process.

Mr. Lynch reported that on the double pole issue the one at 127 Middlesex Street will be removed by Feb. 21, and they are working in the Pine Hill/Dalton Road area and have removed 7 poles. Nynex is working on a new computer system which will make updates easier. The poles in the middle of the driveway at Sears and also the pole in front of Brueggers Bagels have been removed.

Dr. Weisfeldt said that Richard DeFreitas had made reference to a possible consolidation of inspection services and Mr. Lynch said No, that is not so.

Mr. Lynch said he met with Jeff Stallard re the North Town Hall and Mr. Stallard is looking to form a committee with himself, Bill Dalton and George Merrill. Anyone interested should contact Mr. Lynch or Jeff Stallard. Mr. Lynch said that there is a grant round taking place now and he has forwarded materials to the Historic Commission. The deadline is Feb. 28 and he has asked them to come to our Feb. 24th meeting. Mr. Dalton said he has the name of a State person who can help.

Mr. Lynch said he has awarded the contract for aiding the Assessors in revaluating commercial and industrial properties to Vision Appraisals Technology for \$23,800. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve two (2) 1-day All Alcoholic licenses to St. John the Evangelist Church for: 1. Feb. 15 from 7:30 pm - 12 am; and 2. March 15 from 6 pm to 12 am.

Mr. Lynch said the BOS has had a request from Asst. Town Clerk Betty Delaney to set the hours for the April 1st Town Election. She is suggesting 10 am to 8 pm. Motion by Mr. Dalton to set the polling hours from 7 am - 8 pm. Ms. Gates said she supports the Town Clerk's request, that the voting history shows that the hours don't matter. Mr. Dalton said he checked last year, and hundreds of people voted from 8 am to 10 am. Dr. Weisfeldt said they should open at 7 am. Ms. Gates said that logic and the facts show me that we should go along with the Town Clerk. Mr. Lynch said he goes along with the Town Clerk, that it's the issues that bring people out, not the hours. Mr. Lawlor said he accepts the Town Clerk's analyses, but the convenience of the residents is paramount. The vote on Mr. Dalton's motion was 3 in favor, 1 opposed (SJG).

Ms. Gates reported that the Planning Board and the Library Trustees are both meeting Wednesday night. Cable 43 will cover Planning Board meetings, as part of a plan to show various Boards in action. She asked about a by-law re cellular towers, to regulate sites of freestanding towers, and Mr. Lynch said it will be on the warrant.

Ms. Gates asked Mr. Lynch to please find space for ADA Coordinator Ralph Hickey and Mr. Lynch said he is still looking for space.

Dr. Weisfeldt wanted to thank the RecCom and Peggy Dunn for a great Winterfest.

He thought we had a wonderful meeting with the School Committee. The Master Plan Committee has finished their zoning changes and they have gone to the Planning Board.

The Sewer Commission is on Hold until spring.

He has noticed ice build-up on McCormack's driveway on Brentwood Road. Mr. Lynch said the problem is groundwater coming out of the soil and there is a similar problem on Mansfield Drive. We will put in drains when sewerage goes in the spring.

Mr. Dalton reported that he is planning to attend the next Middlesex County

Mr. Dalton reported that he is planning to attend the next Middlesex County Advisory Board meeting and they need to adopt the Middlesex County Charter so we can eliminate the commissioners and put in a manager. Mr. Lynch said he wonders if we have gone too far for a charter - we have to weigh abolishing the county vs. the debt we still owe.

Mr. Dalton said that Photos, Etc., 48 Chelmsford Street, have a stack of photos that they took at Winterfest and residents can have for free.

Mr. Dalton announced that officially he is a candidate for re-election to the Board of Selectmen, and is turning in his papers tomorrow.

Mr. Lawlor said that on Feb. 24th we will invite all BOS candidates to give a 5-minute presentation to the Board and the home audience. He said that Winterfest went wonderfully and that the ball on Friday night was a sold out function and a lot of fun. They raised money for the Tom Welch Scholarship Fund.

Mr. Lawlor said that last Saturday there was a good function at the Elks - an Appreciation Night for the Police and Fire Departments.

Under Press Questions, Brian Gormley of the Independent asked about the audit process, has it been done before in the DPW and Administrative offices, and a financial audit of the Town is done yearly. He is not sure about the School Dept. and Mr. Lynch said he doesn't think they have had an audit before. Brian asked about cost and Mr. Lawlor told him that cost is not the issue, but if it is exorbitant, we will have to do something more reasonably.

At 9:35 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to go into Executive Session to discuss collective bargaining, litigation and real property. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

David E. Carter

Regular meeting of the Board of Selectmen held Monday, February 24, 1997. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim the month of March as Scholarship Month in the Town of Chelmsford.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim the Month of March as National Middle Level Education Month. Vice Principal Charlene Betourney from McCarthy was present along with 6 students and Dr. Richard Hentz, Principal. They invited the BOS and Townspeople to a Curriculum Fair on March 9, and said that students' work will be on display at the Town Offices. She asked Board members to come to school for a day - spend a period or two and have lunch with the students.

Mr. Lawlor said that the three candidates for two seats on the Board of Selectmen are present and as is the Board's custom, each is asked to give a brief presentation of his background and reasons for running. They had drawn their turns for speaking earlier in the evening.

Matt St. Hilaire, 7 Gail Street, said he is a graduate of the Chelmsford Public Schools and sports programs, a Town Meeting rep, active in Youth Wrestling, Soccer and Pop Warner football, and is the 3rd generation in his family to serve the Town. He is sensitive to the Townspeople and his voice will be their voice.

Bill Dalton, 12 Dartmouth Street, is running for re-election and said there is no greater opportunity to serve than being on the Board of Selectmen. He has kept the promises he made 3 years ago and that was only the beginning. He wants to encourage citizen involvement and said to the audience he will be your voice in Town government.

Phil Eliopoulos, 161 Proctor Road, spoke, saying that he is a lifelong resident of the Town and graduate of the Chelmsford School system. He has established a business in Town, is an alternate to the Board of Appeals and will take time to study the issues. He feels the issues are: library expansion, sewer project, addition to the police station, Center School back on-line and expansion of Southwell Field.

Peggy Dunn, 2 Bridge Street, gave a financial report on the Winterfest Ball, noting that the dance netted \$3,200 for the Thomas J. Welch Memorial Scholarship Fund. The Firefighters Association donated \$1,000 and the Elks will give back \$300 for the rental of the hall, for a total of \$4,500 to the fund. She added that 1500 people participated in Winterfest.

Doug Hausler, Rotary Club President, invited the BOS and Town Manager to attend the Rotary fundraiser at the Westford Regency on Saturday, March 1. The monies will be used to fund Rotary projects. One of the municipal projects funded was Eagle Scout Joe Ready for his building of the pavilion at Roberts Field, and they also paid for the cleaning of the monument on the Center Common. They give

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\$3,000 per year to the Scholarship Fund and collect over 700 pints of blood per year in their Blood Drives. The Club gave the Charter School flags for each classroom and \$900 worth of encyclopedias. They also sponsor the Student of the Month from CHS.

Ms. Gates then presented a Certificate of Appreciation from the BOS to Joe Ready on behalf of the Townspeople. Joe thanked the BOS, thanked Rotary Club for their funding and thanked Nick Gavriel for helping him construct it.

During the Open Session John Harrington, Chelmsford Business Association, announced that the CBA Candidates' Night is March 19 at the Banqueteer.

The BOS deferred approval of the minutes of Feb. 10 until the next meeting.

At 7:30 pm a Public Hearing was held on the petition of Drum Hill Liquor Mart, Inc. for a transfer in location from 63 Drum Hill Road to Courthouse Square, 85 Parkhurst Road. Attorney James Flood represented the petitioners Phyllis and Gary Gervais. No one present spoke in favor of or opposition to this petition.

Mr. Flood stated that they need more space for their store - that the old building is 2400 square feet, and the new one will be 3 times larger. Mr. Lawlor commented that the BOS has inspected the premises and they are always exemplary but the business does need more space.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the change in location for Drum Hill Liquor Mart, Inc.

Under Town Manager Reports, Mr. Lynch reported that items for the Work Session on March 3 are: 1. the proposed budget that he has presented to FinCom - it is a balanced budget; 2. Review app. 32 warrant articles; 3. Liquor License procedures - he gave the BOS the preamble; and 4. School Performance Review - he is meeting with Dr. Moser tomorrow and looking at areas to focus on. We want to get this going in the next month.

Mr. Lynch reported that re the fire truck accident on Feb. 14 the truck has been totaled, and we are looking at used vehicles to buy with insurance company funds. Two firefighters were injured.

Mr. Dalton asked what about a fulltime grant writer, to tie in with the schools. Mr. Lynch said this ties into a Community Development Coordinator/Land Use Coordinator position. He said there are not so many grants out there now, and we have been pursuing funding for the Central Square Development projects.

Ms. Gates asked about a grant for the North Town Hall and where is the Historical Commission. Jeff Stallard said they were not asked to attend until after their last meeting and several members are away. They will come in to the March 17th meeting to give an update on their inventory of historic properties. They are working on a grant application which they will submit to the Town Manager before the February 28th deadline.

Dr. Weisfeldt asked if Governor Weld is looking into some form of audit process,

and Mr. Lynch said yes, more and more, to see what communities are doing with Ed Reform monies.

Mr. Lawlor said that he understood Mr. Dalton had spoken to Angie Toranto about the School Dept. audit, and we should be collegial and cooperative with them. Mr. Dalton suggested we set up a meeting with 2 BOS, 2 School Committee members, the Town Manager and Dr. Moser.

Mr. Lawlor said that having the accident with the Fire Dept. truck and personnel has made him think about have Fire Dept. personnel respond to medical calls - it is not incorrect, but we need a balance. He would like Mr. Lynch, in conjunction with the Police Chief and Fire Chief, review having the Fire Dept. respond to all medical calls - is it balances by the cost and exposure by putting personnel and equipment out on the street.

Dr. Weisfeldt asked if we any smaller vehicles that can respond to emergencies- that it's great to have EMT's respond and a tragedy about what happened do that truck.

Ms. Gates commented that there is nothing wrong in looking at policies.

Mr. Lynch said that he and the chiefs have been looking at protocol in the area of response.

John Bush, Nynex Co., was present with a petition that is the result of a request made by the contractor who's building the assisted living units on Chelmsford Street - we need to move the pole 25 ft. to let Fire apparatus in. The DPW Director has reviewed the petition.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve petition Plan 909 as long as they comply with the DPW recommendation re the position of the pole.

Mr. Dalton said he had reported a fallen pole at 127 Middlesex Street at the last meeting and Mr. Lynch said it was to have been removed by February 22nd. He reported that Pole #15 at 45 Richardson Road is protruding through the resident's fence. Mr. Bush said that Mass. Electric hasn't transferred off the pole but he will see that they do so the pole can be removed.

Jose Carlos Garica was present to request transfer of the Common Victualer's license at 17 Vinal Square from Vinal Square Donut Shop to I Z A Pizza. Mr. Garcia said he moved things in two weeks ago and wants to have a pizza style restaurant. He did things according to what the Board of Health and the Building Inspector requested and wants to open very soon. Ms. Gates asked what were the donut shop hours and was told 6 am - 2 pm. Mr. Garcia said he had spoken to Richard Day and he said they couldn't build a ramp. Mr. Lynch said he believes a waiver of ADA requirements was granted. Mr. Garcia said he is not considering asking for any alcoholic beverages permit.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to approve the transfer of the Common Victualer license at 17 Vinal Square from Vinal Square Donut Shop to Jose Carlos Garcia, with hours of 11 am to 11 pm.

Mr. Lawlor said you want to serve breakfast eventually and Mr. Garcia said yes.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to amend the hours to 6 am to 11 pm, subject to final sign-offs by the Board of Health and the Building Inspector.

Dr. Weisfeldt reported that re the negotiations with the School Dept. on their budget, Dr. Moser told him as liaison to come in anytime.

Ms. Gates reported that the Library is having a Summer Job Fair for Youth on March 22nd from 10 am - 12 noon. Any businesses who might be interested should contact Kathy Cryan-Hicks at the Library.

She said that the Chairman of the Cable TV Commission wanted to thank Trinity Ambulance, Police and Fire Depts. and the Board of Health, who helped students do a video on alcohol poisoning.

Ms. Gates noted that the Planning Board meeting was televised last Wednesday and will be again. She asked the Town Manager to send a memo to all commissions and Boards that Cable TV is going to cover some Open Meetings.

Ms. Gates reported that NMCOG discussed the Route 495 rest areas and Police patrol - whose responsibility? She thought State Police, but others felt that the Towns also have authority. The Town Manager will speak to the Police Chief about this. Ms. Gates said if it is not the Town she wants to send a letter to the State Police asking them to enforce regulations. Mr. Lynch will also check into any law that may state that a truck may not idle for more than 5 minutes.

Ms. Gates said that she wants to see a Preservation Restriction put on the North Town Hall. It has to be approved by Town Meeting. Mr. Lynch said we will put an article on the warrant. We will look at it at our Work Session. Ms. Gates explained that this restriction would mean that whoever owns the building can't change the exterior of it and has to preserve the historic fabric of the building.

Mr. Dalton said that Sal Fulchino, Middlesex County Advisory Board has contacted him and the bill filed to abolish county government has 18 sections. He will send it to Mr. Dalton so our Board can figure out the approach we want to take. Ms. Gates commented that there is more than one piece of legislation and NMCOG didn't take a vote on the abolition of county government.

Mr. Dalton said that at 149 Middlesex Street there is broken berm and he asked to have the DPW fix it.

He said that at the corner of Richardson Road and Prescott Drive there are massive bushes of poison ivy that are blocking the sidewalk now and will force walkers out into the street. They need to cut down and kill the bushes. He asked Mr. Lynch to notify the State that there is severe erosion under the Route 3 bridge.

There is a storm drain at the same spot that has sunken in and filled in and our DPW says it is the State's responsibility.

Mr. Dalton asked about the Highway garage, and is there any way to get it painted, and what about using House of Correction prisoners for painting. Mr. Lynch said there is a lot of work going on at that site - we have State funds to build a maintenance building. Jim Pearson is looking into siding and improving the building and landscaping will be done. Mr. Dalton asked about fencing and Mr. Lynch said we will look into it.

Mr. Dalton reported that he has received a complaint re D'Angelo on Sleeper

Street - he's using Sleeper Street and there are moving vehicles parked out there. Mr. Dalton reported that there is a storm drain at the corner of Marina and Concord Roads that has collapsed and nothing has been done about it. Mr. Dalton said that the Vinal Square residents want another meeting at the Senior Center, to talk about residential cut-throughs and signage. He said it sounds like Vinal Square is dying, and not just due to the lights - parking is very limited. He asked that we put times on the annotated agenda.

Ms. Gates asked who supervises the School Dept. buildings. At the McCarthy Auditorium when and who inspects the rigging above the stage and who supervises the electrical installation. She said the fire curtain is sagging and that is dangerous. She want someone who knows electrical work to be there when students are working.

Dr. Weisfeldt reported that there was an excellent presentation by Weston & Sampson on the sewer project, and they have been retained through the completion of the sewer project.

Mr. Dalton said that on Marguerite Drive there is a large amount of sand that needs to be removed.

Mr. Lawlor said he had received a call from Grace Dunn about the problems with smoke on Crooked Spring Road and that the fire goes beyond burning hours and is unsupervised. The Fire Dept. has had to come and put it out. The smoke is bothering people with respiratory problems and babies. He asked Mr. Lynch to attend to this situation. Mr. Dalton asked if we had considered chipping and Mr. Lynch told him that is too labor intensive. Mr. Lynch added that during the day the fire is supposed to be supervised by the Highway Dept. but the fires have been smoldering. Mr. Dalton said there is a concern with the 90 homes in Lamplighter Green and Penni Lane.

Mr. Lawlor said he wants to make sure the Town has a technology plan so we can use it when we apply for grants. Mr. Lynch said he will follow up on this with Bernie DiNatale.

Mr. Lawlor said that the Town of Dracut has asked that Cable TV broadcast the Lowell City Council meetings in Dracut and he asked that they do the same in Chelmsford. Ms. Gates said she will talk to Cable 43 about this.

Mr. Lawlor said that as Cbairman he receives comments from committees re their liaisons and the Commission on Disabilities has sent a glowing report on Ms. Gates.

Mr. Lawlor reported that the Chelmsford Hockey Team is in a 3-way tie and some players played in the All Star Game and made it to the Super 8.

Mr. Lawlor reported that the U. Mass. Lowell has completed their last season playing at the Forum and it would be a wonderful facility for the Town to be able to use. Mr. Lynch said he has been in touch and we have our notice in that we would like it.

Mr. Dalton said he had discussed Canal Road with the Town Administrator of Billerica and Mr. Lynch said he is meeting with him on Wednesday and that is one of the topics to be discussed.

Dr. Weisfeldt reported that the Chelmsford High Swim Team took 7th place in the State Swim Meet and 4th in the North Sectionals.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

J. Gates

John Clark

Work Session of the Board of Selectmen held Monday, March 3, 1997 at the Chelmsford Country Club. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

Chairman Lawlor opened the meeting stating that he had a call from Mary-Jo Griffin, one of our reps. to the Nashoba Valley Technical High School Committee, telling him that they are holding budget hearings and she would like some direction from the BOS. He invited her to attend tonight.

Ms. Griffin addressed the Board, noting that the new Supt. wants to increase the overall NVTHS budget by 15 -18%. Chelmsford's enrollment has gone down, from 119 in 1995 to 117 in 96/97. Basically our assessment should go down but they're asking a 10% increase in Chelmsford's assessment. She said that the school is being driven into the ground by increasing enrollment and the need to add teachers. Ms. Klimkiewicz has some excellent ideas and we need to improve the school. She is asking for \$400,000 in capital improvements, and \$93,000 from Chelmsford. Ms. Griffin said there is a public budget meeting tomorrow night and she wants input from the Town. She said our enrollment keeps going down, and wants to know why. Dr. Weisfeldt asked if we have students going to other schools and she said Yes, five. Ms. Gates asked if programs are being offered at NVTHS and Ms. Griffin said their's are not up to speed. Ms. Gates said there are computer and bio-tech companies around here. We need to offer these programs or tell kids to go elsewhere, and is that why enrollment is dropping. Ms. Griffin said that with the formula used for assessment we have no choice.

Mr. Lynch said the only way the Nashoba budget can't pass is if 6 or 7 Towns vote against it at their town meetings.

Mr. Lynch said our assessment has stayed fairly level but has they haven't been doing capital improvements. Ms. Gates commented that the school appears immaculate. Mr. Lawlor said it looks like the cost per pupil is less than we're spending on Chelmsford students. Ms. Griffin said the cost per pupil has been very stable. Mr. Lawlor asked her what is her recommendation and she said she would like to get our assessment at \$650,000. Mr. Lynch said that seems fair and Mr. Lawlor said they would have to proportionally decrease their budget by \$120,000 and do it with all the participating communities.

Mr. Lynch asked if some capital planning could be phased and said that MMA has a bond bank. Ms. Griffin said they do no bonding, and is the process of bonding worth \$400,000? The Board said yes, and told Ms. Griffin to tell Ms. Klimkiewicz to look into borrowing - we have to do it. Mr. Lynch said capital projects last a long time and they should be paid for over a period of time.

Mr. Lawlor said if \$400,000 was amortized over 5 years it would put us in our \$650,000 range but if Ms. Griffin can't do that with the Supt. than we have to leave it up to her judgment. Dr. Weisfeldt asked if we have a weighted vote and was told No. Ms. Gates said we have to convey to our other reps and alternate what we're saying here. Ms. Griffin said the budget vote is March 11, and Mr. Dalton asked if we could have a

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BOS rep attend their open meeting tomorrow night. Mr. Lawlor said we don't want to be seen as undercutting our rep.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. that: 1. that Ms. Griffin convey the Board's position on bonding to the Supt.; 2. that the Chelmsford BOS write a letter to other Chelmsford reps and alternate re same; 3. that the Town Manager draft a similar letter to the NVTHS Supt. with copies to all the other towns; and 4. that Ms. Griffin report back to the Board on March 17th.

Mr. Lynch commented that this is the first time we've ever been consulted by a Nashoba Tech rep.

Mr. Lawlor questioned strategically why has our enrollment decreased and Dr. Weisfeldt said that CHS students want a CHS diploma. We tried to work out an arrangement with Nashoba so kids could take shop, or whatever. He said that there is no more shop or IA at CHS. Ms. Griffin said she will bring this matter up again.

Mr. Lynch then gave members a copy of the proposed budget for the Town, that he had presented to the Finance Committee and said that things change from early February until Town Meeting the end of April.

Under Local Taxes, new growth is at its highest in 7 or 8 years and under debt exclusion we will use sewer betterments to provide lower level taxes. We don't have the certified Free Cash figure yet but in FY97 we used \$750,000 to drop the total. Mr. Lawlor commented that we can't say at the end of Town Meeting what we will have for Free Cash or how we will use it, but Mr. Lynch said we can estimate. He explained that we can't get a certified Free Cash number until the books are closed - probably we will have it in August or September. He added there is a growing sentiment on the part of the schools to use Free Cash as part of their operating budget but you don't use one-time money for that - it may not be there next year.

Under State Aid School Aid is up - it wasn't figured right and will go up by \$100,000. The library grant won't show up in the budget and the cap has been released on the Lottery funds. Veterans benefits reimbursements should be coming in soon.

Under Local Receipts, motor vehicle excise taxes are up by \$100,000, fees are up a little, and rental income is down because of Lighthouse School. They are vacating in December, 1997 and the timing is perfect for us. We are into the SBA for reimbursement on rehabbing the school for our needs. Permits are up \$50,000.

Available funds in FY98 are projected to include \$1,560,000 in sewer betterments and \$300,633 from the state sewer relief fund. Anticipated sewer user fees are also up.

On the Expenditure side, Municipal Administration is up 4 1/2%. A major expense is the office of community development, where the position will increase by app. \$8,000.

Public Education is increasing to \$30.5 mil, with an increase of \$1.3 mil. Our assessment for Nashoba Tech is up by just under 13%. Charter school expenses of

\$850,000 are within Non-appropriated expenses. Their cost estimate is \$922,000 since they will be adding students. We can assume this in the bottom line budget and close the gap with motor vehicle excise taxes. They are not at full capacity this year. Any additional State Aid money can go to public schools, and the School Dept. budget doesn't include Medicaid reimbursement. The figure is app. \$1.4 mil less than they would like.

Under Public Safety the budget is up 3%, including an increase in the Police Dept. of \$180,000, mainly for additional personnel in the dispatch area. They are all public safety dispatchers but one will do fire and one police. They all report to the Police Dept. personnel, and we're working towards cross training. This is a transitional issue, training and tying all protocols together. Mr. Lawlor said that the benefits we've achieved don't appear to be cost saving and Mr. Lynch said we will have 3 people on some of the time and back-up service provided. Mr. Lynch added that when the Police and Fire contracts are settled they will have to be budgeted.

Under the DPW Department the Solid Waste Coordinator's hours will increase. \$20,000 is budgeted for parks improvement.

Mr. Lynch will be overseeing the library expansion.

Health insurance is all subject to collective bargaining since they can request specific carriers. The County retirement figure is \$1.7 mil, and will stay about the same.

Under Debt and Interest the increase is a combination of exempt debt and non-exempt debt. We are putting \$1.2 mil into Capital Planning at really good rates. The Assessors Overlay account for abatements is up \$100,000. There is money in the budget for the Snow and Ice Deficit.

There is an increase in revenue, up 3.3% or \$1.2 mil. A figure of \$400,000 for Snow and Ice is reasonable. The Town sends out 19 trucks of our own and sets the rates for hired contractors. Ms. Gates asked about sidewalk plows and Mr. Lynch said we have 3 Bombardiers, and will start plowing during storms, not after. We account for our plowing and sidewalk costs in our overall school budget figures, which go into the State.

Ms. Gates asked Mr. Lynch to find out why the plowing at the intersection of Pine Hill and Galloway Roads is so bad.

The Board then discussed articles for the Spring Annual Town Meeting. Mr. Lynch went over the articles with the Board, noting that under the Charter the Town Manager has more flexibility to transfer from one line to another. He briefly went over the articles, noting that under Article 6, Capital Projects, the Cemetery Dept. will pay for their truck but we will do the borrowing for them. Police cruisers were discussed at length. The sidewalk program was discussed and Mr. Lynch said we have money left from last year. We are working with the neighbors in the Westlands area and the State has been adding extra Chapter 90 monies for our road re-surfacing.

Mr. Lynch will obtain a copy of last year's Planning Board warrant articles.
Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve posting of the warrant for the annual election and warrant of 33 articles for the Spring Annual Town Meeting.

Discussion of the Liquor License Preamble will be deferred to the next meeting.

Mr. Lawlor gave members copies of a Board self-evaluation form he obtained at the MMA conference. The first Part is a Board evaluation and Part II is evaluation of the Manager. Mr. Lynch said that other Boards have found these forms to be very helpful.

Mr. Lawlor said that re Manager/Selectmen relations - how can we work better, recognizing the parameters of operations. As a Board we have only another month together, and is there anything anyone wants to see talked about or addressed.

Mr. Dalton said they want a Vinal Square meeting at the Senior Center but Mr. Lynch said we never said that we'd have another meeting with them. Ms. Gates said it is all anecdotal and we can't come to conclusions just because someone says something. Mr. Lynch said we are doing traffic counts on side streets.

Mr. Dalton said that "they" are a majority of the merchants in Vinal Square.

Mr. Lynch said we have made improvements to the lights and put in more trip lights, changed the timing and talked about making side streets one-way between certain hours. The Police Dept. and DPW say the intersections are safer now and the flow of traffic works fine.

Mr. Lawlor suggested that we have someone from the State at the meeting, and Mr. Lynch will find out the appropriate person and his availability.

Mr. Lynch concluded that at one point in time we supported what the State did and had a number of accidents. Mr. Dalton said that a lot of the complaints now are due to lack of parking.

Dr. Weisfeldt said that we've had a good group as a Board, and hopes we can maintain a similar group in the future.

Dr. Weisfeldt asked if we have had any progress on meeting with the School Committee and Mr. Lynch said he is trying to set up a working group. Mr. Lawlor said he spoke with Mary Frantz last week and there is a fairly high amount of sensitivity and thanked the Board members who have been reaching out to them.

At 10:20 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to adjourn.

For the Board of Selectmen, by

J. D. E. Carter

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Regular meeting of the Board of Selectmen held Monday, March 17, 1997. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William F. Dalton. Town Manager Bernard Lynch was also present.

Chairman Lawlor called the meeting to order at 7:05 pm, noting that this is the last meeting before the Annual Town Election on April 1st. He added that with Proclamations we honor special people.

Ms. Gates read the proclamation for Girl Scout Week, March 9 - 15 and said that she is proud to have been a Girl Scout herself and is proud of all Scouts. Three Scouts spoke, telling the 4 goals of scouting, that they are going backpacking with the llamas in Maine with the profits from the sale of cookies, and their involvement with the community. The girls gave cookies to the Board members.

Mr. Lawlor said that we have high school athletes to honor, but Athletic Director Jack Fletcher could not be present. He said that CHS Hockey Team participated in the Elite Hockey 8 Tournament and we enjoyed watching them. The team captains accepted the Certificate of Appreciation, and thanked the Town for supporting them. No one was present from the Boys' Ski Team to accept their certificate, which will be sent to Mr. Fletcher. The Girls' Track Team accepted their certificate.

The Board then held a joint meeting with the Town Moderator and School Committee. Moderator Dennis McHugh called the meeting to order, stating that the purpose of the meeting is to appoint a representative to the Nashoba Valley Technical High School District Committee and asked each of the two candidates to speak for not more than 3 minutes.

Stratos Dukakis said he has been on the committee for 29 years and gave his background. He is superintendent of another regional vocational school. Dr. Weisfeldt asked him if there is any conflict in interest in him being an educator and Mr. Dukakis said he thinks it is an asset, that he also has extensive experience in industry. He introduced other members of the Nashoba School Committee who were present.

Peter Bagni said that Strat Dukakis is a tough act to follow, with all his experience and credentials. Mr. Bagni said that he is a Nashoba graduate and that he employs many students from Nashoba. He said that no one is hearing the students and he hopes for the members support.

Motion by Dr. Weisfeldt to nominate Stratos Dukakis, seconded by Tony Volpe.

Motion by Mr. Lawlor, seconded by Judy Mallette, to nominate Peter Bagni.

Nominations were closed.

Vote was as follows: Lawlor-PB; Gates-PB; Weisfeldt-SD; Mary Frantz-PB; Mallette-PB; Wendy Marcks-PB; Angie Taranto-SD and Tony Volpe-SD. Mr. Bagni was appointed as rep for a 3-year term by a vote of 6 in favor, 3 for Mr. Dukakis.

Mary-Jo Griffin, NVTHS rep, reported on their budget, saying that it was approved last Tuesday. She said that it was a learning process for her, and very difficult. She introduced Judy Klimkiewicz, the new Nashoba Supt., who introduced her administrative staff, and said that their goal is to support students who want an alternative to CHS and wants the Town to feel a part of Nashoba Tech. She said that she has worked with the State Dept. of Education and she is academically trained, not vocationally. Nashoba is entering an era of change and wants to become a technology based high school, not a trade school. Ms. Klimkiewicz noted changes in the academic program, that there are more academically oriented courses, and they are recommending a year of community service projects to pay back the districts. They

have been in a decade of declining enrollments and want to build bridges with Chelmsford and our neighbors and also graduate well-rounded students. Mr. Lynch noted that Chelmsford's share has dropped by \$30,000 and he will get copies of the budget for BOS and School Committee members.

Ms. Gates asked if they are doing any bonding and Ms. Klimkiewicz said to bond they need a 2/3 vote by each Town and then all have to agree unanimously. She will review a 3 - 5 year plan for capital expenditures but it takes a minimum of 2 years to bond. Mr. Lynch said we expect her to look at 3 - 5 year bonding.

Ms. Frantz said the School Committee needs to adjourn to Executive Session. Motion by Ms. Mallette, seconded by Mr. Volpe, to adjourn to Executive Session to discuss collective bargaining and/or litigation. Roll Call vote was all Ayes, and Ms. Frantz said they will return when the BOS meets with the Auditors.

Sharon Shanahan and Sam Poulten thanked Mr. Dukakis for his 29 years of service and welcomed Mr. Bagni to the Committee.

Janet Laughlin and Carrie Bacon of the Chelmsford Garden Club were present to meet with the BOS. Ms. Gates read an Arbor Day proclamation for April 30, which was accepted by Ms. Bacon. She said that the club will work with Camp Paul to plant trees and it is the 75th anniversary of the Chelmsford Garden Club.

Ms. Laughlin said the club voted to give a gift of benches to the Town, which was done through fundraisers. They have chosen 3 from catalogues, have presented the idea to the Historical Society and the DPW will assist in installing the benches. She hopes the Town will vote to accept the gift of the benches, which will be placed along the cement walk at the Center Common.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to accept the donation of the Chelmsford Garden Club of benches to be placed on the Common.

Kathy Frazer, Nynex Co. was present with New England Telephone petitions. The first pole is one pole to be placed on Church Street across from Laughton's. Plan #911. Assistant Town Engineer George LeMasurier had written to the BOS that he has problems with that pole.

Jeff Faber, Mass. Electric was present and said that his company had asked Nynex to set this pole. We had the pole at 23' from the intersection and 28' would not work. We are moving back as far as we can and want to connect with the wires on Princeton Street. Mr. Dalton said that the DPW feels that 23' will block the view of the driveway and is there an alternate plan. Mr. Lawlor asked that Mass. Electric talk with Nynex and the DPW. Ms. Gates asked where is the underground conduit on Quigley in relation to this - can this be put underground 200' away? Mr. Faber said that the underground conduit on Quigley is in front of the substation, and that's about 800 - 1,000 feet away. To get a feeder from a substation we need to go underground to a public way.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to defer action on Plan 911 pending discussions between the two companies and the DPW.

2. Church Street - a pole is to be placed at Mt. Pleasant and Quigley as shown on Plan C-736, an aboveground pole 3' from the pavement. The DPW has no problem with this petition.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve plan C-736, subject to the pole being placed 3' off the pavement.

3. Plans Q-733 and Q-735 - Jeff Faber said he sees no problem with the DPW

recommendation.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve plans Q-736 and Q-735 subject to the DPW recommendations.

Mr. Dalton said that Walter Hedlund has noted 6 double poles on North Road and would like to have them gone before the 4th of July. Ms. Frazer said she will see that this is done.

A Public Hearing was then held on the application of San Diego Yogurt and Ice Cream for a Common Victualer's license to be exercised on the premises at 60 Chelmsford Street. Tom Wood, owner and manager, said he bought the shop from Baskin Robbins, and has sign-offs from the Board of Health and Building Inspector. No one present was in favor of or opposed to this petition. The hours requested are 10 am - 10 pm.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the issuance of this license.

Dennis McHugh was present as attorney for David J. Cunha, Country Club Too, 67 Parkhurst Road. This is a 30,000 sq. ft. building, zoned CB, with 165 parking spaces. Country Club USA has 10,000 sq. ft. on the second floor and is billiards and darts, with no alcohol served. Country Club Too currently has 6,000 sq. ft. and was granted a license to serve beer and wine in 1992. They want to modify the premises on the first floor to add 3,500 sq. ft. to Country Club Too. The only entrance would be through the second floor and down the stairway. The downstairs exits will be for emergency only. There will be no bar downstairs but beer and wine served by waitpeople, and ten tables and bleachers are planned. The hours requested are 12 noon to 12 midnight weekdays, with hours of 10 am - 1 am Friday and Saturday, and 12 noon - 1 am Sundays.

Concerns have been discussed with Police Chief Armand Caron and we have designated security measures and Mr. Cunha has worked hard with the Chief. Mr. Cunha wants to bring in tournament play for both billiards and darts. No one present spoke in favor of this application.

Attorney Dick Fox, representing Richard J. Bober who is involved with Country Club USA, said his client has problems with this operation. Mr. Bober was unaware that there were any problems with the establishment until he read it in the press. He has a problem with people going up and downstairs due to possible injury, and problems with fire and fire escapes.

Attorney McHugh said the Chief has examined a model of the premises and OK'd it.

At 8:15 pm the public hearing was closed. Ms. Gates questioned the lights in the parking lot and Mr. Cunha said there are two additional lights to be installed by Mass. Electric. Attorney McHugh said they will continue with paid police details and both sides want to test the results of the enhanced ideas before the details are discontinued. Mr. Cunha said he will keep the details as long as we need them and Ms. Gates said she wants the BOS to have the power to get them back if needed.

Mr. Lawlor referenced Chief Caron's letter of March 10 and showed it to Attorney McHugh. Mr. Cunha said that there is an emergency and handicapped entrance that has to remain open and everything else requested in the letter is in place. Mr. Lawlor asked if he would voluntarily state that there will be no nude dancing on the premises and Mr. Cunha said definitely not.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to approve the alteration of the premises at 67 Parkhurst Road under the Beer and Wine license granted in July,

1992 contingent upon the 5 points referenced in Chief Caron's letter of March 10th, and with the enclosure of the handicapped and emergency entrance and that Mr. Cunha voluntarily agrees to no adult entertainment. Details may decrease after all requirements have been met; however should we need to we will bring details back at our discretion. Mr. Lawlor asked if this alteration is granted will they withdraw their appeal pending before the ABCC and Attorney McHugh said yes. Vote was unanimously in favor.

Members of the Historical Commission were present and Jeff Stallard showed slides while Chairman John Goodwin narrated their presentation. The Commission was established under M.G.L. Chapter 40, Section 8. The purpose of the commission is the identification, evaluation and protection of Chelmsford's historic resources. They have been inventorying structures over 100 years old and showed a map with a concentration of older buildings for walking tours, or to designate the Historic Districts.

Ms. Gates said she is pleased that they have made a grant application for the restoration of the North Town Hall and hopes they will continue looking for other grants. She would like to have North Chelmsford registered as an Historic site on the National Register. Ms. Gates added that there are grants for having inventories completed if that is beyond volunteer help. Mr. Goodwin said there is an additional expense to have records put on microfiche and Jane Drury has done the legal aspects of inventorying.

Mr. Stallard noted that in transporting 3 files from the 1802 Schoolhouse locks were damaged beyond repair and George Merrill has done a security system. Mr. Lynch said that we're looking for file cabinets for them and a new location for the files.

The Board then met with Auditors Brown & Barrett and Mr. Lawlor said we've had outstanding service from them. Town Accountant Jean Sullivan makes sure that we don't spend money not appropriated by Town Meeting but we also have a financial audit every year by outside accountants.

Bob Brown said their firm is ten years old and performs app. 20 audits of municipalities every year. He said they have a good working relationship with the Town of Chelmsford and performed the Town's FY96 audit late August/early September and not many Towns can be audited this early. He sees improvement every year in our internal control systems and is very impressed with the attitude of the financial team we have. The Town has come a long way from a few years ago when we had bumpy spots. Mr. Brown mentioned that we had a deficit in our Snow and Ice Account but got some federal reimbursement.

Steve Barrett noted p. 28 in our financial statement and said that it is remarkable for the Town to be collecting taxes in the high 90 percents. He indicated the federal grant audit noting that most disaster systems had federal grant programs. Mr. Barrett said that other Towns get into trouble but we balance on a monthly basis and those controls are in place. He asked if they had reviewed the management letter items with the department heads and School Dept. Business Manager Bob Cruickshank said that Steve Barrett had discussed school bank accounts. Mr. Brown said that recent legislation has authorized Towns to have school bank accounts and the treasurer and the School Dept. need to work this out. Accounting and the Sewer Dept. need forecasting of sewer betterments and this receivable should be recorded in the general ledger. All departments should be asked to turn in funds at least weekly.

Mr. Barrett said he had spent time at the new golf course and the appropriate records were available. He feels the Town will have nice local revenues from this. They have done a school food service and Senior Center inspections. He added that we are their

largest client with a \$50 mil budget and it is a pleasure to work with the Town and the Management Team. Mr. Lynch concluded that most of the credit goes to Finance Director Fred Mansfield and Jean Sullivan.

Attorney Joseph B. Shanahan, Jr. was present representing the Chelmsford Hotel Corporation with two requests: 1. change of manager from Jack Collins to William MacDonald, Jr. and 2. change in corporate name from Chelmsford Hotel Corporation to Chelmsford Hotel Corporation. He said that Mr. MacDonald has served as manager of 6 hotels, all with All Alcoholic licenses.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the change in corporate name and change in manager to William F. MacDonald, Jr.

Atty. Shanahan said that the Planning Board has approved a 54 room addition but an abutter has filed suit so they will be filing a revised plan, still with 54 rooms. He will come back for a change in premises under their All Alcoholic license when appropriate.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the minutes of Feb. 10, as amended, and the Executive Session.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the minutes of the Feb. 24 mtg. Reg. and Ex. Sessions.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve the minutes of the March 3rd Work Session.

Under Town Manager's reports Bernie DiNatale spoke re Net Day, April 5, 1997 asking for volunteers to help in networking the schools. On Oct. 26, 1996 they had 120 volunteers and 20 companies involved. The goal is 71 locations at McCarthy and 54 at Parker. Net Days for Oct. 1997 and April 1998 are now being planned.

Mr. Lynch passed out copies of the Nashoba Tech budget noting that the Town's assessment has dropped from \$688,000 to \$655,000. He is talking to other communities to get a sense of them approving the budget as is and the recommendations that the BOS gave to our NVTHS rep has helped with the decrease. He is disappointed that there is not more done with capital budgeting but there is support to move it forward.

Under Appointments, Mr. Lynch said that at the October Town Meeting a hold was put on the article to sell the North Town Hall since a group was interested in keeping it. He and Jeff Stallard have arranged a committee of interested persons: Dennis Bak, Barry Balan, Kathleen Curran, William Dalton, Jason Hanscom, George Merrill, Thomas Moran, Jeffrey Stallard and Glenn Thoren.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to approve these appointments. Vote was 3 in favor, 1 abstention (WFD, since he is being appointed).

Under Unfinished Business Mr. Lynch said it was a charge of the BOS that Chelmsford lead the way in the widening of Route 3. There have been all types of proposals, including privatization, and that seems to have fallen by the wayside. He has been meeting with other communities' Town Managers and they have drafted a Joint Proclamation, which he read.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve and sign the proclamation. Mr. Lynch said he will keep the Board updated on this matter.

Acceptance of Moore Street, which was accepted at the Annual Town Meeting, The work is completed and the DPW recommends that the Planning Board release the bond.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to accept Moore Street as a public way.

Liquor Preamble Policy Statement - take out the "following rules and regulations paragraph".

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to accept the preamble as amended.

Stop Sign at the intersection of Highland Avenue and Middlesex Street is recommended by Police Chief Caron.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to authorize the placing of a Stop Sign at that location.

Under Selectmen Referrals, Mr. Dalton asked where are we on the audit with the School Committee and Mr. Lynch said we are setting up a meeting to define the true scope of services.

He asked about Vinal Square - and asked that Mr. Pearson get someone from the State out here to meet with the residents.

Mr. Dalton asked about the storm drain on Marina Road and Mr. Lynch said we're scheduled to go out there, but there was frost in the ground.

He asked about the Richardson Road poison ivy problem and Mr. Lynch said we haven't gotten to it yet.

He asked about the problem with plowing at Pine Hill and Galloway Roads and Mr. Pearson is looking into it.

Mr. Dalton asked about the Planning Board articles on the warrant re space, and Mr. Lynch said he had sent a memo and there are no significant changes.

He asked about Varney Playground and Mr. Lynch said Town Counsel has problems with it and we are waiting for a written opinion.

He asked about updating the web page and Mr. Lynch said it is updated weekly.

Mr. Dalton said that the Civilian Dispatchers want a proclamation for National Telecommunications Week for April 13 and 19 and are planning several events for the week.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, unan. that we invite our committee members from Nashoba to come to our meetings on a quarterly basis.

At the first meeting in January we will start taking applications for the April 1st appointment and have an interview process. Mr. Lawlor said he would like to explore whether this could be changed to an elected position.

Mr. Dalton thanked the Board and Town Manager for their cooperation during the last three years and for their help on issues and relationships. It was appreciated and he really enjoyed working with all of them.

Ms. Gates said she received an e-mail re placing One-way signs near the library so when people are coming out of the library or Friendly's parking lot they will know to go one way. Mr. Lynch said in the long term we may want to work with Stop and Shop on exits and entrances. He will ask the Police and DPW to look at it.

Ms. Gates said we received a response from the School Dept. on the McCarthy Auditorium and the Fire Curtain has been re-rigged and repaired. The Fire Dept. does inspections 4 times a year. She is pleased that they responded. Mr. Lynch said he has asked the Risk Management Committee to look at some areas in the schools.

Ms. Gates announced that we are hosting for Marty Meehan the Second Annual Discovery Art Contest for High Schools in the district. It will be held at the Community Center on April 5th from 1:00 - 2:30 pm. She asked if the Cultural Council could provide ribbons and rewards.

Ms. Gates thanked Mr. Lawlor for doing a good job as chairman and for being a good teacher.

Dr. Weisfeldt said there is no emergency number in the phone book for water leaks in the middle of the street. He called John Harrington who responded in a timely fashion, but he asked if we can't have emergency numbers listed. Mr. Dalton said if you call police/fire dispatch they will call for you.

Dr. Weisfeldt reported that the Sewer Commission said they're going to start work on re-paving North Road.

He thanked the Board for putting up with him during his Freshman year and thanked Mr. Lawlor for his leadership.

Mr. Lawlor said the Board should notify the Mai Kai owner that the Board has rescinded his All Alcoholic license and determine if we need a Public Hearing to do so.

John Harrington, CBA President, said this would be a good opportunity to get the large free-standing sign removed. It had been grandfathered but this would be a good time to remove it.

Mr. Lawlor encouraged everyone to vote in the Annual Town Election on Tuesday, April 1st.

He said this is the best Board he's worked with in the past 5 years and it has been a pleasure to serve with people who have a purpose, mission and collegiality.

Mr. Dalton asked about pedestrians in Central Square and Mr. Lynch said the Police Chief has a patrolman down there and will give a report at a future date.

At 9:55 p.m. motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Executive Session to discuss collective bargaining. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

: 11

HALL & FINNEGAN, P.C.

ATTORNEYS AT LAW
The Fiske House at Central Square
ONE BILLERICA ROAD

CHELMSFORD, MASSACHUSETTS 01824-3010

HOWARD J. HALL

KEVIN F. FINNEGAN

ELIZABETH A. AHERN

Gone CC to 4/7
Assessor &
A. Sheehan
member Plan
Town Mgt. Plan Bd

(508)250-8877

(508)692-1670

Fax: (508)250-0057

April 1, 1997

Ms. Mary St.Hilaire, Town Clerk
Town Hall - Billerica Rd.
Chelmsford, Ma 01824

RE: MGL CH.40A, SEC.5

Dear Ms. St.Hilaire:

Please be advised that I represent the within named non-resident property-owners within the Town of Chelmsford, all having an address of 17 Monsignor O'Brian Hwy., Cambridge, MA 02141-1877:

1. ALTID ENTERPRISES, INC
2. STONEHENGE REALTY TRUST
3. CARYE LAND TRUST
4. CARYE ASSOCIATES REALTY TRUST
5. BERK-CAR LLC
6. QUORUM LTD. PARTNERSHIP
7. CAREX REALTY TRUST
8. RAYMOND CARYE

Pursuant to MGL Chapter 40A, Section 5, please provide to the non-resident property owner(s) any notice of hearings under the above-referenced Chapter involving boundary, density or use changes within a district wherein my clients' land is located where the changes are sought.

Please feel free to call me should you have any questions in this regard.

Very truly yours,
HALL & FINNEGAN, P.C.


Howard J. Hall

HJH:rl
cc: Clients

RECEIVED
97 APR -4 AM 10:23
TOWN OF CHELMSFORD
MARY E. ST. HILAIRE
TOWN CLERK

VNS AND DISTRICTS

or of Falmouth (1943) 46 Mass. 248.

g that operation of amend-
rdinance of the City of New
anged a parcel of land from
ness district would not result
gulations and restrictions for
streets having substantially
r, was warranted by subsid-
iding finding setting forth the
of various properties in the
reel. Leahy v. Inspector of
of New Bedford (1941) 31
Mass. 128.

-laws; procedure

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er hereinafter provided.
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of a proposed zoning
nen, a board of appeals,
or adoption, by request
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by a regional planning
charter. The board of
receipt of such zoning
or review.

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grant a waiver of notice
own clerk prior to town
g ordinance, by-law or

ZONING

40A § 5

change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresi-
dent property owners, stating that notice of such hearings under this chapter
shall be sent by mail, postage prepaid, to any such owner who files an annual
request for such notice with the city or town clerk no later than January first,
and pays a reasonable fee established by such ordinance or by-law. In cases
involving boundary, density or use changes within a district, notice shall be
sent to any such nonresident property owner who has filed such a request with
the city or town clerk and whose property lies in the district where the change
is sought. No defect in the form of any notice under this chapter shall
invalidate any zoning ordinances or by-laws unless such defect is found to be
misleading.

No vote to adopt any such proposed ordinance or by-law or amendment
thereto shall be taken until a report with recommendations by a planning board
has been submitted to the town meeting or city council, or twenty-one days
after said hearing has elapsed without submission of such report. After such
notice, hearing and report, or after twenty-one days shall have elapsed after
such hearing without submission of such report, a city council or town meeting
may adopt, reject, or amend and adopt any such proposed ordinance or by-law.
If a city council fails to vote to adopt any proposed ordinance within ninety
days after the city council hearing or if a town meeting fails to vote to adopt
any proposed by-law within six months after the planning board hearing, no
action shall be taken thereon until after a subsequent public hearing is held
with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or
changed except by a two-thirds vote of all the members of the town council, or
of the city council where there is a commission form of government or a single
branch, or of each branch where there are two branches, or by a two-thirds
vote of a town meeting; provided, however, that if in a city or town with a
council of fewer than twenty-five members there is filed with the clerk prior to
final action by the council a written protest against such change, stating the
reasons duly signed by owners of twenty per cent or more of the area of the
land proposed to be included in such change or of the area of the land
immediately adjacent extending three hundred feet therefrom, no such change
of any such ordinance shall be adopted except by a three-fourths vote of all
members.

No proposed zoning ordinance or by-law which has been unfavorably acted
upon by a city council or town meeting shall be considered by the city council
or town meeting within two years after the date of such unfavorable action
unless the adoption of such proposed ordinance or by-law is recommended in
the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney
general for approval as required by section thirty-two of chapter forty, he shall
also be furnished with a statement which may be prepared by the planning
board explaining the by-laws or amendments proposed, which statement may
be accompanied by explanatory maps or plans.

Town Clerk

RECEIVED
97 APR 23 PM 3:57
TOWN CLERK

Re-organizational meeting of the Board of Selectmen held Monday, April 14, 1997. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt, William F. Dalton and Philip M. Eliopoulos. Town Manager Bernard Lynch was also present.

Mr. Lawlor said that this is the first meeting after the Annual Town Election and he welcomed back Mr. Dalton and welcomed Mr. Eliopoulos to the Board, noting that he is the second youngest person to be elected to the Board of Selectmen.

Mr. Lawlor then said he will accept nominations for Chairman.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos to nominate Susan Gates as Chairman.

Motion by Dr. Weisfeldt, seconded by Mr. Eliopoulos, to nominate Mr. Lawlor as Chairman. Both accepted the nomination.

Vote for Ms. Gates was 2 in favor (WFD and SJG). Vote for Mr. Lawlor was 3 in favor (SGW, PME and PVL). Mr. Lawlor will remain Chairman on a 3 to 2 vote.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to nominate Mr. Dalton as Vice Chairman. Vote was unanimously in favor.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, to nominate Mr. Eliopoulos as Clerk. Vote was unanimously in favor.

Mr. Dalton and Mr. Eliopoulos would prefer to defer speaking until the next meeting on April 14th.

Mr. Lawlor said he appreciates the support of the BOS to be Chairman for a second year. Acting as Chairman he is appointing James P. Good as the Town's representative to the Lowell Regional Transit Authority (LRTA).

Mr. Eliopoulos and Mr. Dalton congratulated each other on running excellent campaigns.

Finance Director Fred Mansfield was present to ask the Board's vote on a bond issue that took place on three projects: sewerage for Westlands A, Freeman Lake and Rainbow Avenue. The bonds were sold to the Massachusetts Water Abatement Trust and all have 50% grant equivalency. There is a net savings of \$1,358,000 by going through the trust.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. that the Town shall issue a bond or bonds in an aggregate principal amount of not to exceed \$8,787,328 pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed April 24, 1989 (Article 8) for construction of sewers and other water pollution control facilities. (Complete vote attached to these minutes).

At 7:20 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to adjourn.

For the Board of Selectmen, by

John E. Carter

I, the Clerk of the Board of Selectmen of the Town of Chelmsford, Massachusetts certify that at a meeting of the board held April 14, 1997, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

- VOTED: (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$8,787,328 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed April 24, 1989 (Article 8) for construction of sewers and other water pollution control facilities (the "Project");
- (2) That in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") in an aggregate amount not to exceed \$8,787,328;
- (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Abatement Trust (the "Trust") at a price of not less than the principal amount of the Bond or Note, less the Town's allocated share of the costs of issuance of the Trust's bonds;
- (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
- (5) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and

- (6) that the Treasurer and other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreements and the Project Regulatory Agreements relating to the Project.

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal bulletin Board of the Town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L. c.39, s 23B as amended. I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

Dated: April 14, 1997

Philip M. Elgert

Clerk of the Board of Selectmen

RECEIVED
97 APR 23 PM 3:57

Regular meeting of the Board of Selectmen held Monday, April 7, 1997. Members present were: Peter V. Lawlor, Susan J. Gates, Stuart G. Weisfeldt and William Dalton. Town Manager Bernard Lynch was also present.

Chairman Lawlor called the meeting to order at 7:10 p.m.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to proclaim the week of April 13 - 19 as National Telecommunications Week. Ms. Gates read the proclamation and Mr. Dalton noted that our civilian dispatchers did an excellent job during the recent snowstorm. Rich Demers and three other dispatchers were present to accept the proclamation and Mr. Demers thanked the BOS and the Town.

Barbara Scavezze, Recycling Coordinator, was present to invite the BOS to participate in the Town-Wide Clean-Up on Saturday, May 3, from 9 am - 12 noon. She invited the Town Manager and the new BOS Chairman to speak at the lunch being held at the Chelmsford Elks after the clean-up. She read the names of donors, and said there would also be door prizes. She then presented the State Recycler of the Year Award to Norm Eisermann, Chairman of the Recycling Committee.

No one wished to speak during Open Session.

Under Town Manager Reports, Mr. Lynch said the Patrolmen's contract has been ratified for FY96 and FY97 and we need to hold a Special Town Meeting within the annual on April 28. The contract will be funded through some Free Cash and other accounts. Mr. Lawlor noted that their two-year contract expires on June 30, 1997 and we are now starting again with all the bargaining units.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to call a Special Town Meeting within the Annual for Monday, April 28, 1997 at 7:45 pm at the Senior Center.

Mr. Lynch reported that he has had a call from Rep. Cleven's Office and education aid money for the Town is being increased. It could be up to \$500,000 to our Chapter 70 account, or it could be up to \$150,000 less.

He reported on the 2-foot snowstorm last Tuesday, and said that we have spent a total of \$370 - \$375,000 this year on snow and ice removal. This last storm only cost app. \$65,000 and will use some of our snow and ice overdraft fund. We have requested reimbursement of app. \$90,000 for the December Storm. A State of Emergency was declared but no money is available yet.

Mr. Lynch said that re the Snowstorm, an issue in Town was the scheduled election, as was the case in 12 other Towns in the Commonwealth. The Town Clerk was advised Monday that unless we had a court order, we had to hold the election. We met with the Town Clerk, DPW, Fire and Police Chiefs on Monday to discuss how to handle things. Two of the 13 Towns obtained court orders Monday evening. The Governor declared a State of Emergency Tuesday morning and around 9:30 am Secretary of State Galvin called and said in his opinion the Governor's state of emergency superseded State election laws and we should close the polls. 100 - 120

votes are now in the vault, and the polls will be open on Friday from 7:00 am to 8:00 pm and those votes will count. There was a flaw in the ballot for precinct 8 and any votes, including absentee, are no longer valid and have to be re-voted. Ms. Gates asked about the voting lists and Mr. Lynch said the Precinct 8 list was taken out so voters could be notified.

Mr. Lynch reported that he learned today the State has approved the Central Square project for \$1.2 million. This is a priority project with the State.

Mr. Lynch said he has appointed Nancy Paredes, 31 Diamond Street to the Chelmsford Recycling Committee.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve this appointment.

Mr. Lynch said he is going to award the contract for the Chelmsford Country Club Maintenance building to Hamilton Construction Company, Burlington for \$61,500. He said that this is a wood frame building covered with metal, and will be placed at the back of the first tee, for storage.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve.

Mr. Lynch said he is awarding the contract for the Highway Maintenance and Storage building at Richardson Road to The Petrucelli Corporation, Inc. for \$169,400.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve.

Mr. Lawlor asked about the future of public works in Town, and the effect of the Highway garage on the North Chelmsford Water District - are we committed to staying there indefinitely? Mr. Lynch said yes, that the cost factor would be great, and there is no available land. We have talked to the Water District and are moving the mechanics bay further away from the well fields. DPW Director Jim Pearson said we needed a Board of Appeals permit and have met with the North Chelmsford Water District. It is a steel modular building, that will be 200 feet further away from the wells. It is a completely self-contained building with a DEP holding tank. It is certainly an improvement over our present situation.

We don't store salt at that location but at Swain Road. There are 3 or 4 monitoring wells on the site now and we will install an additional well to the right of the site. It is important that we do not store waste materials on the right side of the property. The conditions of the Board of Appeals approval are that there is a new monitoring well, that the office building be removed and that there be no waste materials on the right side of the property.

Dr. Weisfeldt praised Mr. Pearson for negotiating with the Water Commissioners. Mr. Dalton thanked him and the Highway Dept. for their work in Vinal Square and removing trees on Mill Road.

The BOS asked about the Freeman Lake Dam and Mr. Pearson said we had asked for lowering it 6" , the Freeman Lake Preservation Society asked for it to be lowered 18", and the BOS has authorized 12". The DEP rejected this and asked us to re-consider a 6" lowering 2 or 3 weeks ago. The DEP wanted to see how much land would be impacted and it would be 18,500 sq. ft. at a 6" lowering, 3 1/2 feet on all sides. He and Andy Sheehan are going to the DEP with measurements and we need a

Chapter 401 water quality permit from the DEP.

Mr. Lynch said he will bring further information to the Board as it comes in.

Finance Director Fred Mansfield was present for the annual borrowings that generally take place in March. He said that for FY96 capital projects the net low bid was 4.71%. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to vote to approve the sale of \$1,510,000 Municipal Purpose Loan of 1997 Bonds of the Town dated April 15, 1997 to BayBank, N.A. and vote to approve the sale of a \$2,000,000 4.25% Bond Anticipation Note of the Town dated April 24, 1997 (See actual votes attached hereto and made a part hereof).

Mr. Mansfield told the Board that he will be in to the next meeting with Water Abatement Trust bonds to be approved and signed.

Jeff Faber, Mass. Electric, was present with Plan C-734, and Nynex plan 911, Church Street poles. He has met with George LeMasurier and they have agreed on the locations.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve plans C-734 and 911.

Tom LeVesque, Nynex rep. presented a petition for Woodbine Street, Plan 913. Ed Madden, 18 Evergreen Street, was present as an abutter and said he wants to see the plan and where it will be moved to - when the pole is moved 18" will there be a support in his driveway? Mr. LeVesque said no.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to approve Plan 913 subject to no anchors, guys or sustaining fixtures being placed in the driveway at 18 Evergreen Street.

Mr. LeVesque said that on Davis Road they will be moving poles back off the pavement - placing 4 poles and removing 5. He has met with Jim Stanford and the abutters.

Myles Hogan, 62 Davis Road, said he was promised that the push pole would be move in April 2 years ago. His original concern was aesthetics, but the pole has been hit 3 times each year; however if the pole is moved back further it will be a safety problem coming down his driveway. Mr. LeVesque said that this pole is not on the plan, that they got rid of the push brace and will put a guy wire coming down towards the road. They already have permission to be there and the right to put the pole back 13' from the road. It is still on Town property and they are taking out pole 21. Mr. Lawlor asked them to reconsider out in the hallway and come back when they are done.

Under BOS Reports and Referrals, Mr. Dalton said that the After the Prom Breakfast Committee is looking for donations and volunteer help. He read a list of people who have donated.

Mr. Dalton asked about Vinal Square - have we set a date with the State yet and Mr. Lynch said he doesn't have available dates.

Mr. Dalton asked about Richardson Road and the storm drain and said that the man from the State looking at the bridge said the storm drain is ours, not theirs and the poison ivy is still there. Mr. Lynch said we will get to it.

Mr. Dalton thanked John Harrington and the Chelmsford Business Association for changing the voting dates on the banners in both squares and noting the new date for the Town Election.

He asked about the Meadowbrook Road crossing and Mr. Lynch said the Police have made recommendations which the DPW will implement.

Mr. Dalton said he had noticed debris from the White Mountain Cable Company on Riverneck Road, and now all around the curbing in Central Square. Mr. Lynch will contact them.

Mr. Dalton asked where do we stand on the school audit and Mr. Lynch said he has met with the School Committee and Finance Committee and they hope to finalize the scope of the work at their next meeting or two.

Mr. Dalton said it appears there is no rhyme nor reason as to how the Historic District was set up and Ms. Gates said it was a political thing. The plan was much bigger but was gerrymandered at Town Meeting and it seems odd that certain old buildings weren't included. Mr. Dalton said he would like to re-visit it and see about adding extra buildings, and Mr. Lynch said he will ask the Historic District Commission to look at the map and different properties and they could come back to the Board for the Fall Town Meeting.

Ms. Gates said that we have received a letter from Continental Cablevision. The Town has no authority to direct their programming but around the middle of May they will offer 20 new services. They are putting NECN on Channel 6 and moving Cable 6, but they were told during negotiations that we want to keep Cable 6 News. Ms. Gates reported that College Pro painting signs are all along Route 110, and Mr. Dalton said that Handyman signs are on telephone poles. Mr. Lynch will contact them.

Ms. Gates said she is disappointed in the way Town Counsel has handled the sign matter with the Historic District Commission, that it has not been timely.

Ms. Gates noted re the Sign By-law Committee, that there is a glitch re internally illuminated signs and the Committee should be notified to meet.

Ms. Gates reported that over the weekend there were two cultural activities - a Celtic music concert, with the auditorium quite full, sponsored by the Cultural Council, and on Saturday the Art Show, throughout Marty Meehan's congressional district. This exhibit is still set up in the auditorium.

Mr. Pearson asked the Board to table the Davis Road petition on Plan 910.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, to do so until the next meeting.

Mr. Levesque said that on Turnpike Road A T & T is building a tower and need an additional pole and two poles on private property. Mr. Pearson said that the plan is inaccurate on the distance between the two poles, that it measures 59' as staked in the field.

Motion by Ms. Gates, seconded by Dr. Weisfeldt. unan. to approve a corrected plan on Turnpike Road.

Under Street Acceptances, Mr. Pearson told the Board that Empire Street is a 10-lot subdivision with a 562' extension of the street from the 1966 street acceptance plan. There is a minor problem with the acceptance of the fire alarm system and Mr.

Pearson recommends putting a Hold on this acceptance.

Fisher Road - a 5-lot subdivision endorsed by the Planning Board in 1996 which extends a 1962 acceptance. Mr. Pearson recommends acceptance.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to accept Fisher Road with no conditions and the Planning Board to release the \$10,000 bond after Town Meeting.

Meadowcrest Lane, off Garrison Road - a 6-lot subdivision with 644' of roadway. Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to accept Meadowcrest Lane with no conditions and the Planning Board to release the \$10,000 bond after Town Meeting.

Technology Drive - an IA zoned subdivision which goes from the Lowell line to North Road. There is a minor drainage problem to be cleared up in a couple of weeks. The road is 2364' long, with Nordblom Co. the developer. Mr. Dalton asked why no bond, and Mr. Pearson said in the 1980's there were 3 types of bonds, and this was an insurance company bond which has expired. Mr. Lawlor asked if Lowell has accepted their side of the roadway and Mr. Pearson said No. It is plowed by Town vehicles only for emergency access, and we're responsible for maintaining our own drains. There are no streetlights but Mr. Lynch said they will be put in after acceptance. Mr. Pearson noted that this was approved 10 years ago when streetlights were not required by the Planning Board.

Motion by Ms. Gates, seconded by Dr. Weisfeldt, unan. to table this acceptance until the drainage problem is cleared up.

The Board was to vote to accept former private ways, now public ways but this is tabled until Mr. Pearson can look into it.

Dr. Weisfeldt reported that the Sewer Commission read a list of work to be done before North Road is re-paved and it is to be completed by June 15th. They gave a project update on the Rainbow Avenue, Northgate Road and Pine Hill Road areas sewerage progress.

He said the School Committee is progressing with the proposal for the audit.

He congratulated Town employees who worked so hard during the storm - DPW, Police, School Dept.

He asked why couldn't the Board have been polled Monday afternoon.

He asked about the improper ballot in Precinct 8, noting that this is the first time in his 37 years in Town this has happened.

He said the Police Dept. is concerned about parking of the people in the Center holding political signs.

Dr. Weisfeldt commented that the Town of Billerica had hydrants that didn't work during the storm and asked who is responsible for our hydrants. Mr. Lynch said that the water districts have to test hydrants and they have to shovel them out.

Mr. Lynch said that the ballot error was a human error and he has spoken to the Town Clerk and her Assistant to make sure it doesn't happen again.

As far as the polls being open, Mr. Lynch said that we researched the issues of how to close the polls, and he didn't poll the Board because he wasn't doing anything.

Before we closed the polls on Tuesday he checked with each Board member. We had a system in place to open the polls and the weather reports said sun by noontime on Tuesday. We were trying to abide by State law. Dr. Weisfeldt thanked Mr. Lynch for his explanation.

Mr. Dalton thanked the Highway Dept. for replacing the catch basin at the corner of Concord and Marina Roads.

Re double poles, Kathy Frazer was supposed to be here tonight with a report. Nynex working on getting the double poles down on North Road.

Mr. Dalton said he thought the BOS should have been more actively involved with the storm plans, that we were left out of the loop. The BOS calls the elections and to seek court orders when they want to call them off.

Mr. Lawlor said that this storm was an anomaly, and he thanked everyone who responded as well as he hoped they would.

Mr. Lawlor said that at the Annual Town Meeting on April 28th everyone is encouraged to speak if they wish, and also asked everyone to go to the polls on Friday.

He asked about the Mai Kai and Mr. Lynch said they have until Friday to respond. The possibility of having the Mai Kai sign removed was discussed.

At 9:10 pm motion by Ms. Gates, seconded by Dr. Weisfeldt, to adjourn to Executive Session to discuss Collective Bargaining. Roll Call vote was as follows: SJG-Aye; SGW-Aye; WFD-Aye and PVL-Aye.

For the Board of Selectmen, by

John E. Carter

Town Clerk

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97 MAY 20 PM 4:09

Regular meeting of the Board of Selectmen held Tuesday, April 22, 1997. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present.

Chairman Lawlor welcomed the audience to the first regular meeting after the election, and said that the two newly elected members would like to say a few words.

Mr. Dalton, who was re-elected to a second term, thanked everyone who came out and supported him. He said he appreciates everything everyone did and the fact that there was such a large turnout. He noted that Williamsburg had 304 voters, compared to only 86 a year ago.

Mr. Eliopoulos thanked the voters, and said that he will take his campaign promises very seriously and will always be available. He is looking forward to serving for the next 3 years. He thanked his family and friends, particularly his uncle, father and mother.

Mr. Dalton read the proclamation for Organ and Tissue Awareness Week, and Thomas Fall accepted it. Mr. Fall said his wife had a heart transplant 5 years ago, and there are many people waiting for transplants as well as many potential donors. Mrs. Linda Fall spoke, thanking the BOS, and two other couples who have had transplant experience were also present. Mr. Fall said that a person is added to the transplant list every 18 minutes, that there are 52,000 people on the list now and there is no greater gift. Donor cards will be available at the Board of Health and the Library.

Mr. Dalton read a proclamation for Youth Government Week which was accepted by the Exalted Ruler of the Chelmsford Lodge of Elks.

During the Open Session Jeff Stallard, 103 Tyngsboro Road, said he had seen an article in the Sunday Sun that the Valley Exposition Center is looking for a new home with the closing of the Methuen Mall, and he called the owner and told him about the Chelmsford Mall. It is not as much space as he needs so he is asking the BOS and Town Manager to find a place in Town for them.

Mr. Stallard talked about gateways to the Town, noting that the billboards on Rte. 3A are not on Town property but on State land. They are usually blank and it would be a great place to announce what's happening in Chelmsford. He asked if we could work with the State to get those strips of land. They are a nuisance if we can't use them.

Mr. Stallard asked the Town Manager what is the status of the meeting with the State re Vinal Square. He said this is the first time he can remember that most space in the Square has been rented, but people are beginning to move out because of the traffic and lack of parking.

Keven Ross, 70 Billerica Road, then spoke in Open Session, saying that he has lived here for 36 years and presented two petitions: 1. to stop the Highway Dept. from dumping behind the Town Offices and operating heavy equipment at night; and 2. to have the Town discuss the future use of the fire road connecting 50 Billerica

Road with the Center School when the Town plans to re-open the school. Mr. Ross said that when he has complained to the Town he has been told that it is Town property and we can do what we want with it. Mr. Ross said his children play out there and that street sweepings and snow and catch basin sludge are all dumped there, to drain into the Wetlands.

Mr. Lynch explained that we dump extra snow there when we clean the Center and street sand at night from the East and Center sections, that it saves a trip of 20 minutes to Richardson Road and back. He said he has instructed the drivers to go around to Chelmsford Street and enter the back end of the lot, and that it is only 3 - 4 weeks a year. We don't dump catch basin sludge and are looking for alternative sites but have found nothing yet.

Ms. Gates commented that it is not very attractive back there, that the Eagle Scout project of building a bus stop for the elderly needs re-paving and work around it.

Mr. Ross said it is a 2-fold problem - that the neighbors are tired of the noise at night and shouldn't have to put up with it in a residential neighborhood, and that materials are being dumped too close to the Wetlands. Mr. Lynch said that Andrew Sheehan has checked it and it is not too close to the Wetlands.

Mr. Dalton said he understands where Keven and the Town are both coming from and would like to set up a meeting with Mr. Ross. Mr. Lynch said we have spoken to Mr. Ross and we are listening, but we also have a responsibility to the other taxpayers in Town and if we can't store sand and snow there we can't get cleaned up so quickly. The sand is moved during the day, and the snow melts.

Mr. Lawlor said we're trying to achieve public safety and Town needs, and we don't have an answer yet. He asked the Town Manager to let us know by the next meeting what sites have been considered and also the conservation issue.

Mr. Ross said his second petition is pertaining to the fire road between the school and Town Offices. It was a dirt road and is now paved and they are concerned about cut through traffic. He has counted up to 200 cars using the road in the mornings.

Mr. Lawlor asked the Town Manager to research the history of the road, that it is not intended to be a freeway. Ms. Gates noted that a couple of months ago a police officer commented on the number of New Hampshire cars cutting through, and Mr. Lynch said that Lighthouse School also uses it for their access.

Mr. Dalton said why can't we put horses up to span the whole road, and also put "Do Not Enter" signs, and also on the Town Hall one-way road. Dr. Weisfeldt asked Mr. Dalton if we can block a fire road, and was told we can temporarily. Mr. Ross thanked the BOS for listening to him.

The Board then held a Public Hearing on the Mai Kai Restaurant and the fact that there appears to have been an abandonment of the premises. Ms. Carter, Adm. Asst. said that manager Grover SooHoo has been sent two certified letters, one dated March 26, 1997 asking him to surrender his All Alcoholic, Common Victualer and Weekday Entertainment licenses and a second dated April 14 notifying him of tonight's hearing. Both letters were delivered.

Police Chief Armand Caron said that the Mai Kai is no longer in existence, that it has been completely cleaned out and is being renovated.

No one else wished to testify and the public hearing was closed.

The findings of fact were as follows:

1. that the Mai Kai Restaurant and its Manager, Grover SooHoo, were in possession of validly issued licenses: All Alcoholic Common Victualer, Common Victualer and Weekday Entertainment;
2. That the licensees were notified by Certified Mail, Return Receipt Requested, of the Board's intention to conduct a Public Hearing on the evening of April 22nd at 7:30 p.m. and that that notice was, in fact, delivered;
3. that the Board finds that it received from its Police Chief credible evidence, which evidence was unrefuted, that the licensees had abandoned the premises in its totality and had, in fact, removed items of personal property; and
4. that notwithstanding notice received by the licensee and its manager, that no one was present to offer any rebuttal or any comment, one way or the other, with respect to the Board's intended action.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to revoke the licenses issued to the Mai Kai.

Attorney Cheryl Robertson was present representing Papa Gino's Restaurant, noting that they have had internal changes and are petitioning to change the name from Papa Gino's Acquisition Corp to Papa Gino's Inc. and to add new stockholders and a re-issuance of stock. The Board had no questions and Mr. Lawlor said there have been no instances of license violation.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the requested amendments to Papa Gino's Wine and Malt Beverages license: to change the name of the corporation and to add 3 new, additional stockholders.

Marc Pelchat, Chelmsford resident, was present to tell the Board about his goal to make the U. S. Olympic Speedskating Team in February, 1998. He is 15th in the World Championships and second in the National U.S.. He is trying to raise funds to reach his goal, that his full-time job is training. He trains 2 or 3 times a day 6 days a week and is cross training - skating, cycling and weight lifting. He is trying to get TV publicity and will be on CBS' Up Close and Personal and is trying to raise \$30,000 to take him from May 1st through Feb. 7th. Mr. Pelchat told the Board that April is his month to raise funds, that he goes to Milwaukee on May 11th. He is having a Las Vegas night fundraiser at the Elks on May 10 and has a fund at the Enterprise Bank. He added that the U.S. Olympic Committee will fund him when he makes the team. One pair of skates costs \$1500, and he needs 2 or 3 pairs per year. The BOS wished him good luck.

Mr. Lawlor said that we had asked the Library Trustees and Building Committee to come in for an update tonight, but the architect has asked that we defer to a later date.

Under Unscheduled Business the Board was scheduled to vote on the Nynex Davis Road petition but the parties are still talking.

Acceptance of Empire Street - George LeMasurier has recommended acceptance, so we can proceed at Town Meeting.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to accept Empire Street as presented on April 7, 1997 as a public way.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve two One Day All Alcoholic licenses for May 17 and 31st for St. Vartanantz Armenian Church.

Under Town Manager Reports, Mr. Lynch reported that in the third quarter financial report two numbers are relevant - we expect them to run about 75%. Total revenues are at 76.7% and expenditures are at or below anticipated - 69.1% is very positive, but will get closer to budget as the Fiscal Year ends.

There were no appointments and no contracts.

The Town Manager then went over warrant articles for the April 28th Spring Town Meeting with the BOS.

1. **Hear Reports** - Mr. Lynch said these would include Town Manager, Jim Creegan re Master Plan, Evelyn Thoren re Arts and Technology Fund and the State Rep. and Senator. Vote was unan. to recommend.

Special Town Meeting - the Police contract has been settled and we need \$90,000 to fund it. Vote was unan. to recommend funding of the retroactive Police union contract.

2. **Operating Budget** - the TM wants to defer to second session. Vote was unan. to do so.
3. **Transfer Conservation Funds** - recommend unan. to do so.
4. **Transfer from Sewer Betterments** - Vote was unan. to recommend.
5. **Transfer from Sewer Relief Funds** - vote was unan. to recommend.
6. **Capital Projects** - \$1.2 mil - Mr. Lynch said that the Cemetery Commission will pay back \$30,000.
7. **Reserve Fund** - \$150,000 - vote was unan. to recommend
8. **Cemetery Dept. Transfer from Sale of Lots and Graves** - vote was unan. to recommend.
9. **Appropriate \$19,000 for Audit** - vote was unan. to recommend. Mr. Lynch commented that the price has gone down from \$21,000 to \$19,000.
10. **Sand Lease** - \$20,000 - vote was unan. to recommend.
11. **Preservation Restriction on Forefather's Burial Ground** - vote was unan. to recommend.
12. **Senior Tax Rebate Program** - \$12,500 - Mr. Eliopoulos asked if this was standard and Mr. Lynch said that the first year of the program we allocated \$25,000 but now it is \$12,500 - \$500 for each of 25 people. Vote was unan. to recommend.
13. **Late bills** - probably will be withdrawn since none are anticipated. Vote was unan. to defer to Town Meeting.
14. **Sewer Easements** - unan. to recommend.
15. **Change to Street Opening By-law** to make payments into a revolving fund for inspections since we don't have enough manpower and want to utilize temporary help during the construction season. Ms. Gates noted that the FinCom does not recommend. Mr. Lynch said that they want the

monies to go into the General Fund but 1. we can't isolate the funds and

2. we don't have the staff. Vote was unan. to recommend.

16. Accept M.G.L. to allow DPW to start a revolving fund - this will have to be done annually. Vote was unan. to recommend.

17. Change Street Opening Requirement from 2 years to 5 years. Vote was unan. to recommend.

18. Preservation Restriction on North Town Hall - Mr. Eliopoulos asked if this is in the event that the Town does not sell the building and Ms. Gates said it also applies to the Town, that we can't change the outside, either. If the building is sold the restriction carries forward, and if no one buys the building the Town could raise the restriction. Vote was unan. to recommend.

19. Street Acceptances - the Board has accepted the streets as public ways. Vote was unan. to recommend that the Town accept them also.

20. Petition to Re-zone Worthen Street property - Mr. Lynch said this will be withdrawn.

21. Wireless Communications - this gives the Town legal authority to limit where antennas can be located, calls for monopoles, not lateral; applicants will have to go to the Board of Appeals and there are requirements as to maintenance. Vote was 4 in favor of recommending,

1 (PVL) opposed, since he would like to review the motion. Mr. Dalton wants to recommend because of construction at Drum Hill and on Doris Drive.

22. Zoning Bylaw Change - Lot Area from 80% to 90%. Vote was unan. to defer to Town Meeting.

23. Zoning Bylaw Change - Floor Area to substitute net floor area for gross to cut down on paving. Vote was unan. to recommend.

24. Zoning Bylaw Change - Prohibited Use - if a use is not listed in the zoning by-law it would be prohibited. Vote was unan. to defer to Town Meeting.

25. Zoning Bylaw Change - Lighted Window Signs. Mr. Dalton moved to recommend and Mr. Eliopoulos to defer. He said it is a 2-sided situation and he wants to get feedback from the residents. Ms. Gates said she is unhappy with the way it ended up and wants to find a way to amend it - she can't support it the way it is written now. Vote was unan. in favor to defer to Town Meeting. Dr. Weisfeldt said he doesn't want to see spot enforcement and Mr. Lynch to him that whatever Town Meeting action takes place, it will be enforced Town-wide. Vote was unan. in favor to defer to Town Meeting.

26. Change Membership of Sign Advisory Committee. Vote was unan. to recommend.

27. Charter Change - Referendum Procedures. Mr. Lynch said we took M.G.L. language and worked into our own charter. He said it makes it easier to get signatures but raises the number who have to vote 20%. Mr. Eliopoulos said it cuts the voting hours in half. Mr. Lynch said that can be amended on the floor, but the big question was the timing of the election was 4 in favor of recommending, 1 (PME) to defer.

28. General Bylaw Change - Counting Votes at Town Meeting. This would change how the Moderator can determine a 2/3 vote. Vote was unan. to recommend.

29. Regulate Presence of Newsracks in Public Ways. This was a petition article from Scotty Hollow residents. Vote to defer to Town Meeting was 3 - 2 (WFD & PME).

30. Title V Loans - the Town could borrow and loan money to residents for the repair of their septic systems. Mr. Lynch asked that this be deferred to Town Meeting. Vote was unan. to do so.

31. Sale of Land on Jensen Avenue - sale of a piece of Conservation land to give a resident better access. Vote was unan. to recommend.

32. Freeman Lake Water Rights - Dam and Water Level. Mr. Lawlor said we're not including downstream spillways, are we and Mr. Lynch said we own the spillway but not the water rights. Vote was unan. to recommend.

33. Revolving Fund for Senior Trip Programs. Vote was unan. to recommend.

33. Revolving Fund for Senior Trip Programs. Vote was unan. to recommend.

Under BOS referrals, Dr. Weisfeldt said the Sewer Commission reported that there is a \$5,211, 370 savings to the Town on the bonds that were sold through the Water Abatement Trust, with a 50% payback.

Mr. Eliopoulos talked about the Senior Pharmacy program, a State program that helps low income seniors, and said that the enrollment period has been extended to August. Mr. Lynch said he will have Marty Walsh follow up on this.

Ms. Gates said she wants to commend the Board of Health and Judy Dunigan, Town Nurse for handling the Hepatitis A scare last week. Mr. Lynch said all the offices were called in to help do intake work and answer phone calls, Trinity Ambulance sent paramedics and Dr. Weisfeldt also helped to give shots. Dr. Weisfeldt asked that we get the names of the people that Ms. Dunigan called in as volunteers.

Mr. Dalton said that people watching Channel 43 asked why does the BOS do Selectmen referrals, and he feels this is the way government should work, he brings things forward because people ask him to do so.

Mr. Dalton said that people are upset with the Junior golf lessons at the Chelmsford Country Club. The program was set up for 165 kids and they have had over 200 sign up. This is not benefitting anyone - it is being done by the Fitzgeralds because they want to help kids learn the game.

Mr. Dalton said he has received a report from 179 Riverneck Road that White Mountain Cable is again tossing debris.

He commented that the new poles on Old North Road are ugly and Mr. Lynch noted that they are in the State layout.

Mr. Dalton reported that the Traffic and Safety Committee met on March 5th and the Technology Dr traffic lights should be in by June. They are looking to get the light changed at the Shell station. He reported that the Southwell Improvement Committee is having a dinner dance at the Radisson on May 9th, and for tickets to call Sue Olsen.

Mr. Lawlor said he heard from Eva Ouellette in the Westlands about a brush problem and Mr. Lynch said we have asked the Fire Dept. and Building Inspector to check this out.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, to approve the minutes of the meeting of March 17, Reg. and Ex. Sessions. Vote was 4 in favor, 1 abstention (PME) because he was not yet a Board member.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, to approve the minutes of the meeting of April 7, Reg. and Ex. Vote was 4 in favor, 1 abstention (PME).

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, to approve the minutes of the meeting of April 14. Vote was 4 in favor, 1 abstention (PME).

At 9:30 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to adjourn.

For the Board of Selectmen, by

J. J. O. Carter

Town Clerk

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97 JUL -2 AM 9:45

Regular meeting of the Board of Selectmen held Monday, May 19, 1997.

Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present.

Town Manager Lynch introduced his new assistant John Coderre to the Board.

Mr. Dalton read the proclamation for Elder Law Week, May 18 - 24, 1997.

Mr. Dalton read the proclamation for Emergency Services Week, which was accepted by Sandy Donovan. Ms. Donovan explained EMS week, and said that Chelmsford has the very latest technology for medical emergencies. She praised the Police, Fire, Trinity Ambulance and ALS services and said that there are several shows on EMS Week on Cable 43 this week. She also showed a T-shirt designed for people in the Town who are saved by E-911.

Mr. Dalton read a proclamation for Great American Youth Festival Month, May, 1997 which was accepted by Boy Scout Alan Gates, Selectman Gates' son, who presented a button for the Festival to each Board member. Ms. Gates said that the Festival is on May 31 and asked everyone to support funds to run the Boy Scout Council which are raised by the Communities.

Mr. Dalton read a proclamation for Memorial Day and Jeff Stallard asked that it be presented at the ceremonies on the Common after the Memorial Day Parade on May 26th.

A Certificate of Appreciation was presented to Steven Silvestri, Principal of the Westlands School. Mr. Silvestri was the recipient of the Thomas Passios award, for the best Elementary School Principal in Massachusetts. Mr. Silvestri said it is a great honor to work with his staff and Dr. Moser.

Brenda Lovering and Carrie Bacon were present from the Chelmsford Garden Club to talk about their project "Daffodils for Chelmsford." Ms. Lovering said that they planted another 1500 bulbs this year, making a total of over 10,000 bulbs they have planted throughout the Town.

Bill Griffin, Precinct 2, spoke, and complimented the EMS team for their response to his family last year. He then questioned the purchase of Police vehicles, noting that at Town Meeting they were debating trucks vs. autos for use as cruisers. Mr. Griffin said he had done some research and feels the best volume discount is still with autos.

Mr. Griffin also asked the BOS to fund the Fire Dept. over-time budget for the timely response for medical services.

He asked the BOS to keep all the stations open all the time, stating that the response time is now under 4 minutes.

Mr. Lawlor asked Mr. Lynch about the line item for \$130,000 in the Capital budget - whether we're sticking with Crown Victorias or going with Tahoe trucks. Mr. Lynch said he and the Chief haven't made a decision yet, but will probably

continue along the cruiser line but buy utility trucks as specialty vehicles.

Mr. Lawlor said that this is an appropriate advisory role for the BOS to take if they so choose, although we have never done this before.

Mr. Dalton asked Mr. Lynch to address a rumor that those vehicles are already ordered and Mr. Lynch said not to his knowledge. Dr. Weisfeldt commented that the utility trucks get 4 - 6 miles less per gallon.

John DiRocco, 17 Marose Avenue, said he attended the Route 3 meeting in Billerica and his neighborhood's concern is the noise and water impact. Ms. Christine Mizioch told them that noise barriers would be erected on the northerly side of Rte. 3 near the condos and apartments and on the southerly side along the playing fields and the nursing home. Mr. DiRocco said there are 34 homes in the Edgelawn/Marose Avenue abutting Rte. 3. and Ms. Mizioch said she will re-visit the situation. Mr. DiRocco asked the Town to keep on top of the situation and said that no one is checking on salt generated from two more lanes, and said there is a lot of salt in the North District water now. He added that for the State to spend \$150 million it still affects the quality of life and people from Route 3 jump the fence now to ask for water.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to send a letter to Ms. Mizioch asking to put the sound barrier farther down Route 3, not by the playing fields and to state the concerns we have with sound barriers north on Route 3 beyond the Drum Hill area. Dr. Weisfeldt said that this was a very preliminary meeting, and they are open to suggestions. We're in favor of helping people in that area.

Mr. Lynch said that right now they are in the process of the Environmental Impact Report and comments are due by May 27th. He asked the residents to send their comments to MEPA and will include their comments in the Town's report. Mr. Lynch said he will send a copy of our letter to Mr. DiRocco.

Keven Ross, 70 Billerica Road, was present saying that he had come to the Board 6 weeks ago and the Town still continues to use the back parking lot as a transfer station and that the Town does have an alternate site on Richardson Road. Mr. Ross said that 13 years ago the Town assured us that there would not be excess noise or traffic and all kinds of materials are being stored out there.

Mr. Lawlor asked him not to bring up old issues and Mr. Ross asked are we getting answers for him.

Mr. Lynch said we don't have another site to use - that we are no longer transporting street sweepings at night, and that the dumpsters are for the annual Town recycling. The Town has no other site - we have promised the North Chelmsford Water District not to use the Richardson Road site. Our intent is to close off the access road behind the Town Offices when the Lighthouse School at the close of the Lighthouse School session.

Ms. Gates said she wants to see a written report on the impact on the Wetlands and a Determination of Applicability, and Mr. Lynch said that is not a #1 on our list now, that is a winter issue. Items are being transferred during the day, not just at night, and he is trying to find a solution. The street sweeper fills up in 5 minutes and then has to dump. On rainy days we remove the sweepings. Mr. Dalton asked why

Lynch said it takes too much time. Mr. Dalton said that Mr. Ross has had no response and Mr. Lynch said the street sweepings will be over in three weeks. The metal drop-off is already advertised and we are still seeking alternative sites. He does not know what a meeting with Mr. Ross would accomplish.

Scott Bratton, 71 Billerica Road, said he is concerned about the time of day it is taking place - it is very loud at night and knowing the times of day would be a big help.

Sharon Mc Sweeney, 17 Plum Street, asked where we put the sweepings before, saying it is hideous back there. Mr. Lynch said it has been put there for at least 10 years and the access road will have boulders placed across both ends of it.

Mr. Ross said we are escalating the uses to stack out there and metal hasn't been stacked there for 10 years. Mr. Lynch said we have problems with residents asking when will the Center be cleared of snow, when will the streets be swept and the residents definitely want recycling. Mr. Dalton said this is difficult for both sides. and why not put a Hold on the issue until September, to give us a chance to look at every viable place. Mr. Lynch said there will be no more dirt after the end of June and that Mr. Ross will hear from us in September. Ms. McSweeney asked the Town to look more thoroughly into the Conservation issue.

Paul Forte, 182 Concord Road, had a petition from 120 residents, saying they want the speed limit reduced from 35 to 30 mph, and asked the BOS to consider the petition. Mr. Eliopoulos asked if the Town has put the speed limit at 30 mph and Mr. Lynch said those are only advisory signs and we now have to go to the State to see if we meet their requirements.

Motion by Mr. Eliopoulos, seconded by Mr. Dalton, unan. to move forward and go to the State to get a 30 mph zone. Mr. Lynch said this should take app. 6 weeks, and Mr. Forte said he has already talked to the State Police and Mass. DPW.

Jeff Stallard then spoke to the BOS about the Memorial Day and 4th of July Parades. He said that on May 24th the American Legion Post 212 will put flags on all Veterans' graves. On May 25th at 8:00 am they will go to graveside services and then to the North Chelmsford Congregational Church for a service. On May 26th at 8:00 am there will be a flag raising at the Veterans' Memorial Park and the Parade starts at 10:00 am from the Stop and Shop parking lot in the Center with a ceremony at the Common following. He asked the BOS to participate in the Parade and the Chairman of the BOS to present a Proclamation at the ceremony.

Mr. Stallard then said that re the 4th of July celebration there is a No Peddler By-law that has to be voted at least 30 days before the event. He passed out maps showing the No Peddler area, and said that we have had problems with street vendors getting in the way of the Parade.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to prohibit vendors of merchandise within the restricted areas during the Fourth of July Celebration.

Mr. Stallard questioned the flag-lowering policy in place, that the Town needs reasons to take down or lower the flag to half mast. He suggested putting an

announcement in the daily paper.

Mr. Stallard said he read an article re Freeman Lake in the local paper last week, and the residents are desperate to have something done.

He then asked about the Vinal Square meeting with the State, when will the lines be re-drawn and can Town Counsel be available to businesses. Mr. Lynch said that re Vinal Square, the issues are between the State and the contractor. The Police Chief and the DPW Director have been meeting with the State, and we won't re-line until we re-pave, which will probably be mid-summer. Town Counsel service is not available to merchants. The intersection is working fairly well but there are still problems and the State has issues also. Mr. Stallard said that businesses are starting to leave, and the Square is going backwards.

Cathy Frazer, Nynex, was present with a petition to place 474' of conduit from 3 existing poles on Warren Avenue to enhance service in this area. The existing poles will remain, but they are trying to get more service underground.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve.

Kate Carver, Mass. Electric Company, was present with a petition to place conduit to serve a new 3-lot subdivision on Westford Street. The conduit will run from Pole #17 and there is only 2 feet on Town property.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve.

Under Unscheduled Business, the Board has been requested by Nynex to approve utility placements on former private ways, now public ways: Joint pole petitions (Nynex and Mass. Electric) Alcorn Road, Deana Lane, Dobson Road, Fairmount Street, Grady Circle, Kristin Drive Extension, Lori Lane, Marguerite Road and McCormack Lane; Nynex only petitions for buried cable/conduit: Brittany Lane, Moore Street, Moccasin Lane, Old Farm Way and Somerset Place.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to grant the utility locations as listed on former private ways, now public ways as accepted by the BOS and Town Meeting.

Re the Davis Road petition, Ms. Frazer will check with the engineer. Mr. Lynch said we want to pave the road and could we hear something by the June 9th meeting. Ms. Frazer noted that the original work did not include the pole that Mr. Hogan is questioning.

Mr. Dalton asked for an update on the removal of double poles and Ms. Frazer said she will get an update to the BOS.

Mr. Dalton said that the Town of Wilmington has passed a by-law re double poles and he would like our Town to pass a similar by-law at the Fall Town Meeting.

Bradlee's Dept. Store was scheduled to request a license for a vending machine but the rep. present was waiting for a rep. from the vending company.

A Public Hearing was held on the petition of Drum Hill Liquor Mart, Inc. for an alteration of premises. Attorney James Flood represented Gary and Phyllis Gervais, owners, and said they want an additional 1600 sq. ft. for storage.

Dr. Weisfeldt said that as a private citizen he drove by and saw a window sign in every window and asked if we could encourage them to become more compliant with the sign by-law. Mr. Dalton said a resident had called him and was concerned that there was more than 1 sign. Gary Gervais said they would comply with the sign by-law.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to approve the alteration of the premises at 85 Parkhurst Road with an additional 1600 sq. ft. Dr. Weisfeldt asked to amend the motion to make approval conditional upon compliance with the sign by-law. Mr. Dalton accepted the amendment as part of his motion and the vote was unanimously in favor.

Holly Rice, Recreation Coordinator, was present to update the Board on her programs. She said that the summer program is ready to go, and that the flyer will be mailed out the end of the week. The programs include: day trips, music, science and dance programs, new summer camps, conservation walks, creative writing, basketball leagues, field trips on Wednesdays, belly dancing, canoe rentals, a Home Alone program. They hope to open the Youth Center soon, and are ready to go. There will be a coffee house on Friday and Saturday nights, and after school programs.

Ms. Gates said that plans for renovating the Freeman Lake boathouse have been presented to Nashoba Tech and their students will do some of the work.

Mr. Eliopoulos asked Ms. Rice if she is looking for volunteers and she said always, and for residents to call her office either to offer their services or to give ideas for new programs.

Ms. Rice said the RecComm is using Roudenbush Center in Westford as a model and feels they still have a long way to go, although they are offering 150 - 200 programs per season at this point. Mr. Lawlor said that her group is making great use of the Old Town Hall, and Mr. Lynch said that Ms. Rice is doing a tremendous job in bringing community services to the level where we want to be, and that we have one of the best programs around.

Approval of minutes: Mr. Dalton asked that the minutes of April 22 state 86 Williamsburg residents voted, not 6, first page, paragraph #3.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the minutes of April 22 as amended and May 1 (Reg. and Exec.)

Under Town Manager Reports, Mr. Lynch gave an update on the Route 495 Rest Areas, noting that Mr. Dalton and Ms. Gates have attended meetings. The State has separated the rest areas into two separate entities: Northbound and Southbound and re the Northbound, a 9' high wooden fence will go the entire length behind the area, that utilities will come up 495 from Westford Street, not through the Lime Quarry. All lighting will be directed downward and we are asking the Board of Health for feedback on composting facilities for restrooms.

The Southbound area is on Hold. The residents want a commitment from the State to put up a sound barrier and to follow MEPA requirements. The State will leave the area as it is until they hear from us. He asked the residents to come together for a

meeting, since it only impacts that neighborhood and after discussion their position is to ask the Town to ask the State to move forward, implementing the sound barrier, lighting and the utility issues. Mr. Lynch asked the BOS to endorse the project. Ms. Gates and Dr. Weisfeldt told Mr. Lynch that he had done good work. Mr. Lawlor said that Linda Morabito said that the process proceeded democratically. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to send a letter to the State asking them to continue work on both the North and Southbound rest areas with the conditions that have been stated.

Mr. Lynch said that re the Route 3 meeting he has asked Andy Sheehan to respond to the Environmental Impact Review. Mr. Lawlor said he would be interested to see the impact on the East Chelmsford well fields.

Mr. Lynch said he is asking them to look at alternatives at Drum Hill, not to displace the Plaza. He said there is a lot of interest in the old motel site. Construction would begin in the year 2000, to be completed in 2005 or 2006. Dr. Weisfeldt said he feels the Economic Development Partnership should be involved in trying to save the businesses.

Mr. Lynch said that re the Library, the architects are working but there are a number of different issues - the State has ideas that they want us to incorporate, cost issues, etc. The architect has the preliminary changed plans and we have some concerns. He hopes to have more to report to the Board on June 9th.

Re the Route 3A billboard, we have been working with the owners and we weren't aware that the land under the billboard is owned by the State.

The School Operational Review Committee hopes to have some proposals back for its next meeting, award the audit by the end of June and have the work completed by the end of August.

He will award the bid for the golf course irrigation system at the next meeting.

Re the Freeman Lake Dam, we are aware of the issues and have talked with the DEP and will send them the Independent article. There are two projects involved: 1. repair of the dam, including valve replacement and seal a small leak; and 2. lake enhancement effect - we have filed with DEP and the Conservation Commission. Our Conservation Commission approved but the DEP had concerns re the drawdown. The State wants to know why 12" instead of 6". The paperwork has been filed but maybe it could have been filed in a different way so they could be more lenient. We were erring on the side of caution, working for the Town's best interests. Ms. Gates commented that if we're voting on something and the State can veto it, why do we bother.

Mr. Lynch said that the purpose of the Community Action Program is to find civic improvements. The Committee has reviewed the applications and have approved a project at the East School Playground.

Mr. Lynch told the Board that the meeting schedule proposed for next year is only

tentative and Board members can call him with any conflicts or wanted changes.

Mr. Lynch said that for the scheduled Work Session on May 29th he and Mr. Lawlor have put together a document used last year and also a history of the goals for our last five years since 1992. He asked the Board to get their goals to him prior to the meeting - the focus is on the Route 3 area. Mr. Lawlor said he would like the session to be held at the Country Club. Mr. Lynch said we could meet early and have a tour of the course.

Mr. Lynch then gave the BOS a handout on **Multi-Year Goals and Initiatives Summary** which will be discussed at the Work Session. He went over the listing, from FY97 back through FY93, giving the status of various goals. For FY97, the **Five Year Plan Update** is pending and should be completed by July. **Personnel Systems Updates** is pending and should be done by the end of June and the **Police Station financing** will be taken up in FY98. For FY96 the **GIS system** is being updated, **Central Square improvements**, i.e., aesthetics and parking, are underway, as are **Labor Relations** - we hope to settle soon with the fire union, and police has been settled; **Regionalization of Services** is underway and we are working with other Towns. **Town/School Cooperation** - communication is good and we are working on other areas. For FY94, **Comprehensive Annual Fin Report (CAFRA)** and the **Total Quality Management Program (TQM)** are both on the back burner for now.

Mr. Lynch said he has one appointment - Janice Ruell, 11 Danforth Lane, to the **Recreation Commission**. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve a 1-day Auctioneer's license for James Baynas, Jr. for May 22 at the Chelmsford Elks.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve a 1-day Beer & Wine License for St. Vartanantz Armenian Church for a picnic on June 22, and a 1-day All Alcoholic license for a wedding on July 19th.

Under **BOS Reports and Referrals**, Dr. Weisfeldt said that the **Sewer Commission** reports that North Road is coming along well, and they hope for June 15th as a completion date.

He reported that the **School Committee** says that 90% of the graduating class is going on to 4-year schools, and the school is way up in SAT scores.

Mr. Eliopoulos said he has heard of a situation on Mill Road - #s 220 and 222, which abuts the back of 12 Elizabeth Drive, where a chain has been taken down creating a traffic issue. Mr. Lynch said we are looking into this.

Mr. Eliopoulos said that he played in a golf tournament with Mr. Dalton at Sky Meadow to benefit Camp Paul, and he commends those who participated.

Ms. Gates said she is proud of the students at Chelmsford High School - that we had 6 merit scholars.

Ms. Gates talked about the **Bike Path**, that we're being stalled by the State Highway

Dept. and only need for Kevin Sullivan to sign to get the design project moving. Ms. Gates said that we need aerial photos, but now the leaves are out, and Mr. Lynch said we had some done several years ago.

Ms. Gates asked what happens when a developer starts a project and then leaves it, noting a project off Erlin Road. Mr. Lynch said we are working on it, and Mr. Lawlor said under State statute we can go in and clean up the site and put a lien on the property.

Ms. Gates asked what is happening with CIRO's on Chelmsford Street and Mr. Lynch said they are moving ahead and should be ready this summer. She told the BOS that the Library architects will be meeting with the Trustees on a monthly basis.

Ms. Gates said that the Chelmsford TV Commission would like to have the Board hold a meeting at their studio. She added that Media One is the new name for Continental Cable.

Mr. Lynch said he will deal with the truck issue on Parkerville Road at the next meeting, that he is talking to Westford tomorrow.

Mr. Dalton asked that we get a copy of the Wilmington double pole by-law to address at our next meeting, to place an article on the October Town Meeting Warrant.

He said that Mr. Dixon wants another meeting re Varney Playground.

He asked about Route 40, near the bait shop, and Mr. Lynch said they have had some problems there and will re-pave in the next week or 2.

Mr. Dalton asked about the Mai Kai sign and Mr. Lynch said they have been ordered to have it removed.

He asked about the storm drain on Richardson Road, noting that the poison ivy has been cut down, and Mr. Lynch we will go in and do that work. Mr. Pearson will get in touch with the State about the corrosion under the bridge.

Mr. Dalton asked about the School Audit and Mr. Lawlor said they met last week and hashed out the language for the RFP. He will get copies for the BOS.

He asked about the access road at the back of the building and Mr. Lynch said it will be closed by the end of June.

Mr. Dalton said he attended the Prince Spaghetti plant rally in Lowell today.

Mr. Dalton said that the Chelmsford Firefighters will play a softball game against the Patriots at Southwell Field on June 1st.

At 9:40 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to adjourn.

For the Board of Selectmen, by

Julio E. Carter

town clerk

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Work Session of the Board of Selectmen held Monday, June 9, 1997 at 7:00 p.m. at the Chelmsford Country Club. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch, Adm. Asst. Judith Carter and Assistant to the Town Manager John Coderre were also present.

Chairman Lawlor called the meeting to order, noting that all members were present.

Cathy Frazer, Nynex, was present with a petition plan #932 requesting permission to install 4' of underground conduit from Pole #17 on Westford Street to a common driveway to serve a 3-lot subdivision, Pasture Lane. No one present spoke in favor of or opposition to this petition.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve this petition.

Ms. Frazer then presented a petition Plan 931 to place one pole on Chelmsford Street. This pole is within a state maintained roadway, Route 110. The State has approved and it is a courtesy to come to the Town, although if the Town had any real safety issues we would look into them. No one present spoke in favor of or opposition to this petition.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve Plan 931 on Chelmsford Street.

Ms. Frazer then addressed the double pole situation, noting that Nynex, Mass. Electric and Cable TV will all be able to get into the system for updating, but it is not mechanized as yet. She gave BOS members handouts of updated removals, and said that there were 243 poles to begin with, and then 20 additional - 10 on Drum Hill Road and 10 on Quigley Avenue and Church Street. Several poles have the lines completely off them and just have to come out of the ground.

Nynex has just hired two new people for this task. On North Road there are 6 more poles to be removed - they are waiting for Mass. Electric to transfer off, and they will be removed prior to the July 4th Parade.

The Davis Road petition dated April 7, 1997 was discussed and it was noted that Jim Pearson and Jim Stanford have met with Myles Hogan, and the Town has agreed that the pole he is concerned about will be moved across the street. Nynex will have to re-engineer the plan and come back before the Board. Ms. Frazer hopes this will be at the June 30 meeting.

Mr. Dalton said he thought the double pole removal seems very slow and Ms. Frazer told him that other Towns have 400 and 500 poles, and that Chelmsford, Wilmington and Westford are Nynex's top three priority Towns for pole removal. Mr. Dalton asked that they give us a routine update and Ms. Frazer said when their new system is up and running they could give a daily update, or they could give the Town limited access to the system.

Ms. Frazer added that Nynex and Mass. Electric want to meet with Mr. Lynch re the proposed double pole by-law.

The Board then signed Sewer easements. Mr. Lawlor said the takings are necessary for the upcoming sewer work. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the takings prepared by the Sewer Commission dated June 9, 1997.

Mr. Lynch said that he has two contract awards for the BOS to approve. The Fire

Dept. pumper purchase was approved in last year's capital improvement budget and the low bidder was New England Fire Equipment in the amount of \$178,993. Mr. Lawlor asked the life of the vehicle and Mr. Lynch told him 25 years. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the awarding of the bid for the pumper to New England Fire Equipment in the amount of \$178,993.

The irrigation system for the Golf Course was awarded to Turf Products Company for 3 items: Irrigation - \$13,774.53; Plumbing specialty items - \$15,368.91 and Electrical - \$4,205.39. Mr. Lynch said that the Town will purchase the equipment and Sterling Golf will provide the labor.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve these bid awards. Mr. Lynch said the total is app. \$37,000, which is well under the \$50,000 - \$60,000 we had anticipated.

The Town Manager's evaluation was briefly discussed, and Mr. Lawlor gave the members rating forms to be completed and returned to him. They are the forms used previously, with an item added under #4 on the second page - follow through. Once we have the information we will go through part of the evaluation in open session and then go through the terms of employment in Executive Session. The office will supply copies of his contract to each Board member.

The Board then discussed goal setting, with Mr. Lawlor saying that last year was the most dynamic session and had the most dramatic goals - cutting the tax rate, etc. He said that goals we discuss will not be voted on tonight.

Mr. Lynch said that this has typically been a brainstorming session - tossing out ideas and then lumping them into real goal statements. He referred to the Hoshin template - defining the top 3 goals.

Mr. Lynch went over the memo he had written to the BOS dated June 4, 1997 on FY98 Goal Setting. On Page 2, Pending Goals the five-year plan is an update on financial information, a check on where we are and update. Mr. Dalton asked if we could have a history of 2 or 3 years prior to show where we've been. Personnel System - rules and regs are now being printed. These cover all employees except collective bargaining units supercede on compensation. School Town Cooperation - we have opened up a lot of communication, especially technology and we now have informal agreements. Mr. Lynch said that he is involved with their collective bargaining and budget. He will get copies of the School Audit RFP to all BOS members. The proposals are due Friday and one large firm is interested in bidding, as well as a few smaller ones. He sees a multi-phase approach, with an overview.

Police Station Funding - full station funding is still pending.

Service Delivery Assessment/Performance Measures - we need to have benchmark measures and data that can measure our overall performance. Dr. Weisfeldt asked if we ever get responses from citizens and Mr. Lynch said yes, and he also wants to do a full citizen survey. We will combine this with newsletters, and will also price out the cost of sending out a survey separately. It could cost \$3,000 - \$4,000. John Coderre mentioned that they got bids from \$7,000 - \$15,000 in Windsor, CT for a scientific random sample survey by phone. This costs more than a mailing but is considered more accurate.

Regionalization - this is more a sharing of services that we haven't been able to do yet. We are now on an active level with area Towns, and took the leadership role in the Rte. 3 widening.

Mr. Dalton commented that it looks like a mini county system, when the State is considering eliminating counties.

Mr. Lynch said the biggest hurdle is the parochialism of Towns and the political history of New England.

Mr. Lawlor said that we have three contiguous Towns less developed than we are, and we will have to share resources. If we offered our services to them for a fee, Chelmsford residents would have lower costs for the same level of services.

Mr. Dalton said he sees one stickler - if we offer police and fire services, if an employee is injured in another Town, who pays the bills? Mr. Lynch said that this would be factored into our overhead rate that we would charge. Mr. Lawlor commented that this is still an immature idea at this point - we haven't really looked into much regionalization, except for school systems.

Mr. Lynch noted that Labor Relations is an ongoing issue.

Comprehensive Annual Financial Report (CAFR) has been put on hold unless there is a pressing need to prepare this document.

Total Quality Management (TQM) - much of this is tied into Performance Measures.

Geographic Information Systems (GIS)- cost has been greatly reduced in the past couple of years. This computerized mapping is effective for planning and regional projects.

Central Square - he has talked to all Board members about this and we need to look at the Square comprehensively now that we have our \$1.2 million grant for traffic changes.

Mr. Lynch said his goals for FY98 are:

Central Square - develop and implement a comprehensive improvement plan.

Recreation Improvements - improving present facilities as well as seeking out new opportunities.

Performance Measurement Efforts - develop a program to quantify the effectiveness of Town operations.

Operational Fundamentals - Strategic Planning, Financial Management, Citizen Information and Customer Service, Personnel Management and Infrastructure Improvements.

Board members then discussed their goals:

Mr. Dalton said that last year we reduced the tax rate and he would like to see that happen again, or at least level off, and that is his top goal.

Mr. Eliopoulos said he feels we should look at the Town like a business - increase revenue and decrease expenses. He wants to bring the retail sector up to full capacity. Mr. Dalton suggested setting up our own committee to focus on retail vacancies, since the Economic Development Partnership seems to focus more on commercial. Mr. Eliopoulos feels we need to be proactive and look at cost savers.

Ms. Gates said her goals are: to have Varney Park completed; to have it and the North Town Hall recognized as National Register sites, since there may be grant

money; and to get the Bike Path completed - it won't get done if we don't stay on it and we need to keep nagging them.

Dr. Weisfeldt said he agrees with Ms. Gates re Varney Field. He would like to look at the Town's obtaining the Forum - it could make money for the Town. He would like to see the Brem (Ready) plan for Central Square re-visited to see if the utilities can't be depressed underground. Ms. Gates said if the Bike Trail is completed Central Square could be enhanced.

Mr. Lawlor commented that we are a fairly mature Town and can focus on a lot of quality of life issues. He would like to see a rolling departmental audit of non-school functions, an external performance audit. Departments would know ahead of time when they would be audited. Mr. Lynch said we should put performance measurements in place first, to measure against.

Mr. Dalton talked about technology, and Mr. Lynch said it is always evolving. We should have a computer in each fire station since they now can be connected to I-net. Dr. Weisfeldt commented that they are way ahead of schedule.

Mr. Eliopoulos asked if we have something in place to look at the five year capital budget and get updates? He would like to see a periodic review of the five-year capital plan and have a detailed analysis every quarter. Mr. Lynch told the BOS that the Lighthouse School is planning to vacate the Center School property this summer.

Re Quality of Life, Mr. Dalton thinks we cover the whole sector - both young and old.

Ms. Gates said we need the general and zoning by-laws codified. It would be put on a CD Rom and Mr. Lawlor said we could start with a disc and then download upgrades. Ms. Gates said we would sell it as a source of revenue.

Mr. Dalton asked about a permitting brochure, and Mr. Lynch said we have one out there. Ms. Gates asked if we could tell the Town Clerk to give one to anyone getting a Business Certificate, and also a copy of the sign by-law.

Dr. Weisfeldt said we need uniform re-enforcement of our by-laws and Mr. Lawlor said the sign by-law can't be enforced until the Attorney General approves. Dr. Weisfeldt said that re infrastructure, what is the shape of our buildings, and Mr. Lynch updated him.

Mr. Lawlor said he would like to shorten the assessing cycle on commercial/residential properties - every two or three years seems too long. Mr. Lynch said there is a cost of \$50,000- \$70,000 for a full re-assessment. Mr. Lawlor said the residents need to know that their assessments are being constantly reviewed and changed. Mr. Dalton asked wouldn't the cost decrease on a yearly basis, and Mr. Lynch told him No, not much. We need to do more in house on a continual basis. During the 80's we had the big boom, and then a collapse. Mr. Lawlor thinks we're in the middle now of a fluid change but the new boom in Commercial/Industrial assessments won't show that change because many got in at a below market rent or acquisition cost. As the market improves we need to go after assessed values. Mr. Lynch said that we changed values this year on ranches and condos. The Assessors go through an annual re-certification process.

Mr. Lawlor said that re labor contracts, he has been satisfied with the progress made over the last six years. We're going in a good direction and feels we've been lucky. He feels there hasn't been enough BOS input before the Town Manager goes into negotiations - we should ask him his goals before he goes in to the bargaining session, and how do the goals tie us in to other units. We have no basic goals to see how he bargained.

Mr. Lynch has negotiated good contracts, but we just OK them and we want to do more monitoring - it is our fiduciary responsibility.

Mr. Dalton said one of our goals should be to develop a policy that the BOS should be involved.

Dr. Weisfeldt said it bothers him that the Town Manager spends 3 year to settle a contract and then has to start over again right away. Mr. Lynch said it is very time consuming.

Mr. Lawlor said he wants to put together a compilation of BOS policies and practices: for Dog Hearings, and license criteria. They need to be codified and expanded. When a policy is adopted, there should be a notation as to who presented it and the reasons why.

Mr. Lawlor asked Mr. Lynch to condense and overlap what's been discussed tonight. Mr. Lynch said he will re-work it and put it into a document that the BOS can look at.

Mr. Lynch told the Board that we need a very short meeting next week to sign bonds for the Finance Director. The Board also agreed to meet earlier on June 30th.

Mr. Dalton said he had a call from Sonny Avila on the "horses island" issue. He said that the land was dry in 1948 and there has been additional drainage put on his property. Water from Grandview Road and that area is coming down. He has a problem signing an easement to the Town and wants the Town to divert water from his property down Graniteville Road. Ms. Gates said that someone needs to look at the Sewer Commission drainage survey. Mr. Lynch said that in the late 80's the Sewer Commission and Highway Dept. did a drainage study that Jim Pearson coordinated, and he has been talking to Mr. Avila for the last ten years. Ms. Gates said let's ask Mr. Pearson to assess the problem and how to alleviate it. Mr. Lynch said he will get more information but we can't solve the problem without an easement - we need permission to go onto his property.

Mr. Dalton said a woman called him who lives on Groton Road near Doris Drive, saying that she is having problems with trucking. They start at 4:00 am and speed down Groton Road all the time. She also complained about the Gas Company - that they are constantly making repairs, and it must be due to the heavy trucking. Mr. Lynch said that Groton Road was just cut up for sewerage and will be re-paved. Drum Hill Construction and Doris Drive are beyond Route 3. He will find out why the Gas Company is there so often, and ask the Police Dept. for some radar patrols.

Motion at 10:00 pm by Mr. Dalton, seconded by Mr. Eliopoulos, to go into Executive Session to discuss pending litigation and criminal investigation. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Julio E. Castro

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Regular meeting of the Board of Selectmen held Monday, June 30, 1997 at 5:30 p.m. Members present were: Peter T. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present.

At 5:30 pm the Board discussed the goals that were brought up at the Work Session on June 17, 1997 and consolidated into a memo by the Town Manager.

Mr. Lynch went over the various areas of the memo:

1. Tax Relief -
 - a. How do we use Free Cash?
 - b. Public enterprise activities - the golf course, trying to get more from the State, building up fees
 - c. Dept. of Revenue memo in BOS boxes - we re-certify every year
 - d. EDP efforts - how to provide relief for taxes
2. Service Delivery -
 - a. Performance Assessment Process - he gave the BOS a memo on Performance and Pain; and said that this is part of the budgeting process
 - b. 5-year plan of operational reviews for various departments
 - c. Technology - to improve the way we deliver services
3. Quality of Life -
 - a. Varney playground - we are updating the boathouse and still making improvements on the fields
 - b. Southwell Field - an asset to be maintained and improved
 - c. McCarthy Field improvement, in memory of Carl Olsson. Mr. Lynch noted that the legislature passed \$500 million for Open Space grants.
 - d. East School - a park is being built and ballfields refurbished
 - e. Freeman Bike Path - there now is a signed agreement
 - f. We are looking at enlargement of the Historic District
4. Central Square -
 - a. We are going with the RFP for design
5. Operational Functions -
 - a. BOS Policy Compilation
 - b. Labor goal setting
 - c. Codification of by-laws

Mr. Lynch then showed the BOS a map of the Town, with various projects and improvements highlighted, and said there is a lot going on in Town. Our goals work into a lot of what's happening now.

Dr. Weisfeldt asked how can we keep things from falling through the cracks - can they be put on a computer?

Ms. Gates said that the library expansion is ongoing. Mr. Dalton said it is a good

plan, and all items do-able.

Mr. Lynch said he will give an update on the projects on a regular basis, and all are do-able but not all immediate, complete changes. Mr. Eliopoulos asked him to put on the project list where the Town's money is going. Mr. Dalton asked when he gives a project report, can he put on it when they started and what phase they're in.

Mr. Lawlor said that we have left out some uncompleted goals from FY97 - we had set a goal for the Town Manager to enhance regionalization. Mr. Dalton asked if he sees any real cost savings by doing that, and Mr. Lynch said there are two categories: 1. regional service and sharing of resources, and 2. regional leadership - we have done that with Route 3.

We talk to communities and don't always get a response back, there is a potential loss of some control, and we would like other communities to buy services from us.

Mr. Lawlor said he thinks there is more that we can do - maybe we haven't asked the right things, maybe it should be a Board to Board approach? maybe Human Resources and Payroll? He wants to see us using our skills and automation to sell to other communities.

Mr. Eliopoulos said we may work this into our assessing our departments, and Mr. Lawlor said that lots of smaller Towns are struggling with growth issues.

Ms. Gates doesn't want to see it as a goal of the Town Manager - it is hard to judge success.

Mr. Lawlor said we could identify 2 or 3 areas where we have the capacity to provide to a larger group. The BOS can work with department heads - do they have the capacity for regionalization?

Mr. Lynch said his concerns are that a lot is dependent on the willingness of dept. heads to break out of a box - a "stretch" goal. A year ago we had meetings with Westford and Dunstable re Animal Control but they didn't want it. We've done Veterans Services. Some managers are relatively new or non-existent.

Ms. Gates asked when the Police Station is enlarged, could we sell space to surrounding Towns. Mr. Dalton noted that we have Mutual Aid with many communities. Mr. Eliopoulos said maybe this is not a goal but a continuing investigative process. Maybe we should do it in reverse - ask the Towns what they need. Mr. Lawlor said that it looks like regionalization is not a goal for FY98.

Mr. Lynch concluded by saying that this is an ambitious set of goals for him and the Board.

At 6:15 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to suspend the meeting until 7 pm.

Mr. Lawlor re-convened the meeting at 7:00 p.m.

Walter Hedlund was present to update the Board on the 30th annual 4th of July Celebration. He asked the Board to be at the McCarthy School by 9:30 am on the 4th for the Parade and asked the Chairman to give a brief greeting to the crowd when they reach the Center Common. He also asked residents on North Road to decorate

their homes, referencing the article in Yankee Magazine.

Lions Club member Bob Kelly addressed the Board, stating that he is Chairman of the 4th of July Country Fair, and that they have 45 organizations wishing to participate, with 8 full size and 13 half-size booths and a waiting list for booths. He is concerned with electrical power going in on the Academy Street side. Mr. Lynch said there is talk about providing electricity to all sides of the common, if the Country Fair should want to expand, and also to be used by the Recreation Commission. Mr. Kelly gave him a list of organizations on the waiting list and asked him to take them in rotation.

The BOS presented a Certificate of Appreciation to Robert Bennett, Principal of the Parker Middle School for being named outstanding middle school principal in the State.

Mr. Bennett thanked the townspeople for their educational support for the past 33 years.

Certificates of Appreciation were presented to Cultural Council members Pat Fitzpatrick, Jean McCaffrey, Winifred Liakos and Pat Pestana for their service.

Certificates were also presented to Norman Eisenmann and Robert McCallum for service to the Recycling Committee. Mr. Lawlor noted the excellent work that they have contributed to the Town, negotiating a new solid waste/recycling contract and did a lot of research.

The CHS Girls Softball Team was presented Certificates for becoming Merrimack Valley Champions.

A Proclamation was presented to Jack Emerson for being Parade Grand Marshall and Citizen of the Year for 1997.

At the start of Open Session Mr. Lawlor announced that the BOS has decided that there is a 5-minute cap per person for anyone addressing the Board.

Donald R. Fraser, Jr., 45 Middlesex Street, addressed the Board regarding the sewer treatment plant at Adams Farms, which is behind him. He said he has been told for the past 4 years that they are tying into Town sewerage. He said that last Thursday the stench came through his closed windows, and his sister who lives upstairs has a child with asthma.

Mr. Lynch said he has spoken to Don and the Adams Farm people and it is his understanding that treatment plants are controlled by the State DEP. We've been pushing them to tie into Town Sewerage and he understands that it will happen this summer.

Don Fraser said he is here pleading for help. Jack Emerson said his complaints are well justified and have gone on for 4 years. The Sewer Dept. has sent a list of contractors to Adams Farm but it is a very difficult area to sewer and very costly - between \$80 and \$150,000. The State does control the treatment plants, not the local Board of Health. Mr. Emerson explained that they have to put a cross country pipe

across Adams Farm since they don't front on sewerage, and this connection should be made within the next month or two.

Mr. Fraser asked why is sewage being piped and gas coming out only at night and on weekends and Mr. Emerson told him because the system is used more at those times. Mr. Eliopoulos asked if the State has come out and Mr. Emerson said they offered remedial actions to Mr. Badger.

Mr. Lawlor said we can take our own private action and ask Town Counsel to put enforcement action in place and Mr. Fraser stated that he is only about 20 feet from the treatment plant.

Ms. Gates said the Town can't interfere in a neighbor to neighbor problem.

Mr. Emerson said the State wasn't going to renew their license two years ago but they took remedial action and if it is functioning properly there should be no odor. If Health Director Richard Day visits the site he may get the state to come out again. The State requires a monthly report of readings taken by the plant operator. The readings vary as to operational hours but composite readings would show if odor was present.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to have the Town Manager approach Town Counsel and ask him to notify Adams Farm that we intend to civilly enforce and compel them to discontinue obnoxious odors.

Jeff Stallard, 103 Tyngsboro Road, said that he is glad to have the Police Precinct in Vinal Square and is asking for a United States flag to be mounted on the outside of the building.

John Harrington, Center Water District Commissioner, addressed the Board re the outside watering ban, saying that we're maintaining water levels as long as people abide by the odd-even system, but if the drought continues we may have to order a complete ban. We are pumping in 4 million gallons and pumping out 6 millions gallons a day right now. Mr. Harrington said that they plan to sink another well on Barnes Terrace and do work on the Smith Street wells. The water is very rusty in these wells and we use them only in an emergency.

Dr. Weisfeldt commented that we have paid for a new tank for years that was supposed to alleviate all these problems.

Mr. Harrington said that as the drought continues all the tanks would be drained. We have 16 wells in the district and Center has 8,000 customers, North 2,000 and East 700. We are monitoring the ban by sending out teams asking people to shut off their sprinklers if it is not their day. If people have wells, they should out signs saying "Well water in use". Mr. Harrington concluded by saying that we don't have the capacity to pump in faster than residents are taking out.

Tom LeVesque, Nynex Engineering Dept., was present with several joint pole petitions.

1. Dalton Road/Stedman Street - no one was present to speak in favor of or opposition to these poles.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve plan #930.

2. Maple Avenue and Chelmsford Street - no one was present in favor of or

opposed to this pole. The DPW Director was in favor.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve placing one pole on Chelmsford Street at Maple Avenue.

3. Davis Road - Myles Hogan, an abutter who had earlier objected to plan 910, was present and said he had discussions with the Town Engineer and he wants the concessions as agreed. The DPW Director will monitor this.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve joint pole petitions No.'s 910 and 935, with plan 910 subject to the restrictions set forth by the DPW Director - some type of guy wire going on Mr. Hogan's property, a pole going across the street and a guy wire going into Town property across the street.

Mike Palermo, Mello-Tone Vending Co. was present with an application for an automatic amusement device license to install a crane machine to pick up stuffed animals at Bradley's Dept. Store. The application has been approved by the Police Chief and Building Inspector.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the issuing of this license.

Attorney Joseph B. Shanahan, Jr. was present for a Public Hearing on the application of his client First Elliot, Inc. for a Common Victualer license to be exercised on the premises at 83 Parkhurst Road. His clients Kenneth and Karen Garside of Amesbury have been the owners and operators of Elliot's Hot Dogs in Lowell since 1975, and Mr. Garside opened another store in Tewksbury in 1996. Mr. Shanahan showed the Board the detailed floor plan, indicating 1500 sq. ft., seating 22 persons.

The business will be mostly takeout and they have obtained a Special Permit from the Board of Appeals. The hours requested are from 6 am to 11 pm seven days per week, with a full service menu for breakfast and takeout the rest of the day. They are long established and well respected in the Lowell area.

Mr. Shanahan said they will start work immediately and hope to open by mid August. They will be ADA compliant and are occupying the former TCBY shop space.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve a Common Victualer for First Elliot Corp. at 83 Parkhurst Road, with hours from 6 am to 11 pm every day and subject to compliance with ADA and the plan as it exists.

Robert Carr, Manager of Government Affairs for Media One, was present to discuss changes in Cable TV Service. Mr. Lawlor said that over the past two weeks huge changes have been made in our cable TV service. Ms. Gates helped to negotiate the contract and had many concerns. We had a concern re Newscenter 6, that it remain with us. We had received a letter stating that there was no current intention to cancel that program but with the new lineup it is on Channel 8 - what happened?

Mr. Carr said that there is a second letter signed by him stating that they are very pleased with the news program and have no plans to remove it. The change in location is part of the regional lineups. They plan to drop "6" from the name but will remain a news center.

Ms. Gates commented that a lot of people think that the BOS controls what is shown and the rates.

Mr. Carr said that the rates are regulated by the Federal government. We complete forms, file with the FCC and our rates are based on that. Hopefully the subscribers control what we broadcast - we as a company provide cable programming. Some converters have to be changed and this is done by the company; the entire band is available with all converters.

Mr. Eliopoulos asked if the entire Town has been converted and Mr. Carr said yes, there are 23 nodes in Town and as of last Thursday all were converted. All should be on the new system. Mr. Lynch told the Board that Mr. Carr has been very helpful during this conversion process.

Tom Peterson, Chelmsford Community TV, explained what Highway One is, and the Internet access system "Broadband" should be imminent. He asked if anyone has been assigned as contact to the Town and Mr. Carr said that he will do the interacting.

Motion by Mr. Dalton to approve the minutes of May 19, Reg. and Ex. Ms. Gates asked to amend the second page of the regular minutes by adding after written report on the status of the Wetlands and "Determination of Applicability".

Motion by Mr. Dalton to approve the amended minutes of May 19, both Reg. & Ex., seconded by Mr. Eliopoulos, unan.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the minutes of May 9, 1997 Work Session.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the minutes of June 17, 1997.

Under Town Manager Reports, Mr. Lynch reported that there were no bids for the moving of the Carriage House and Children's House from the Library site. We are now looking at auctions or municipal uses.

Re the Mai Kai sign, the Building Inspector has ordered it to be removed. The owners filed late with the Board of Appeals but Town Counsel said to let them hear the case.

The sign by-law was approved by the Attorney General and a certified letter has been sent to all establishments with neon signs giving them 30 days to get permits.

Re the Erlin Road project, the developer has discussed the matter with the Board of Appeals, Building Inspector and Andy Sheehan, and is going ahead with the project.

Re Groton Road, the Gas Company is replacing old lines on Groton Road and this is tied in with the sewer project.

He reported that the Town Clerk is giving out Permitting Guides to anyone coming into to set up a new business.

Re Freeman Lake, we filed an Order of Conditions with the DEP. The residents

asked the DEP to step in and issue a new order. They want a 6" drawdown, not 12". We're still working with DEP and hope to start working on a portion of the dam within a month.

Concord Road speed limit - the DPW and Police Chief say we may not meet the requirements to lower the speed limit. We are stepping up our enforcement, studying speeds and taking down our speed advisory signs, which are a source of some confusion. We are issuing tickets to speeders over 35 mph.

Tom Peterson gave an update on cable I-net (the institutional network, which is part of our cable contract, and said that we can connect all municipal buildings with one phone line within the Town departments. Voice, video and data can have one central phone system. Video is being televised through the I-net and we can do 2-way video. Re data, the Clerk's office can provide data to the Highway Dept., etc. The I-net wiring is finished ahead of time.

Mr. Lynch said that re the 4th of July Parade Yankee Magazine has an excellent article on the Fallon property on North Road, including the 4th of July Celebration in Chelmsford.

Under Town Manager Appointments, Mr. Lynch had given the BOS members copies of his annual appointments. He added that Dr. Weisfeldt is the Selectman rep on the Center School Building Committee.

Mr. Lynch noted that Cy Locke is no longer on the Cable TV Committee and we should ask him in to give him a Certificate of Appreciation. Mr. Locke is the reason we have the studio at Parker, and was replaced by John Fahey. He is still the Town Manager's rep. to the Cable TV Advisory Board.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the list of annual appointments.

Under Contract Awards, Mr. Lynch has awarded:

1. Two 1/2 ton pickup trucks to Colony Ford, the low bidder for \$49,662, to provide maintenance service to the pump stations and sewer lines.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the award.

2. Stop Loss Insurance - Mr. Lynch is awarding the bid to CMS Insurance, with a \$75,000 deductible. He said we're self-insured on Blue Cross products, with a specific deductible of \$75,000 - they cover anything over that. Mr. Lawlor asked if CMS is a carrier or an agency and Mr. Lynch said an agency, they place with someone else.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the Stop Loss Insurance bid to CMS Insurance.

Under Board appointments, motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. that the BOS appoint Frank Meithe and John Morrison to the Capital Planning Committee.

Re the re-appointment of Town Counsel, Ms. Gates asked if we could have them come in to the next meeting.

The Board has been advised by the Police Dept. to amend the Traffic Rules and Regulations Article VI, Section 26A, to put 30 minute parking signs back on Dunstable Road.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to do so.

Under BOS Referrals, Dr. Weisfeldt reported that the Sewer Commission will meet again in August and that work is moving right along. Mr. Lynch noted that they have received additional loan programs from the State.

Dr. Weisfeldt said the School Committee has resolved the problem with the Charter School bussing, and it is now down to app. \$50,000. They are going to work on appointing liaisons between the two committees. They agreed on a Technology Plan approved by the State.

The McCarthy School Field is to be named in honor of Carl Olsson, and there may be a fund raising program to re-furbish the fields.

Re the School Committee Audit, we may be able to get State funds. Mr. Lynch said once we choose a consultant we may be able to apply.

Dr. Weisfeldt reminded Board members that on Saturday, July 5th, there is a fundraiser for Chris Driscoll at Southwicks and they want to see a good turnout.

Mr. Eliopoulos said that they will be selling tickets at the CHS Alumni Booth at the Country Fair on the Common.

Mr. Eliopoulos reported that the FinCom has not met recently and that NMCOG is talking about the expansion of Route 3. He's concerned about noise barriers and the loss of the Rotary. He noted that the House has voted to abolish Middlesex County but it doesn't affect NMCOG.

There is an office and research development building proposed for the corner of Mill Road and Route 3 that is going before the Planning Board.

He noted that there is an EDP meeting on July 11th.

Mr. Dalton reported that the Library Book Sale was a great success.

He reported that Keven Ross had called him re the barriers put up to block the roadway behind the Town Offices. Mr. Ross said that traffic is now going the wrong way up the 1-way drive to Route 129 from the parking lot. Mr. Lynch said he will have the Police monitor it, and what are our other options. He checked with the Fire Dept. and they said concrete barriers.

Mr. Dalton said a resident on Warren Avenue wants a tree taken down and Mr. Lynch said we have a number of requests to do this, and hesitate to unless the tree is diseased or a safety hazard. Mr. Dalton asked him to call the resident and explain the policy.

Mr. Dalton asked about the plaque we were going to have made to honor Tom Welch and Mr. Lynch said we need to talk about it.

Mr. Dalton asked when will Groton Road be paved and Mr. Lynch said it should be by the middle of July.

Re the School Audit, Mr. Dalton asked what the State is doing and Mr. Lawlor said they are only doing large towns with a lot of State Aid. Mr. Dalton said he had

wanted to see the RFP's before they went out and Mr. Lynch said that the BOS did receive a copy of the Work Plan.

Mr. Lawlor reported that the Board met earlier and agreed on a list of goals: Tax Relief for residents; Town-wide audits of various departments similar to that of the School Dept. over the next 5 years; Quality of Life Initiatives - recreation improvements; Central Square Improvement - aesthetics and amenities; and Operational Improvements for the Board itself. We will expand on these goals more at the July 14th meeting.

Mr. Lawlor then proposed a policy for alcoholic beverages package goods stores. He thinks we've done a good job in regulating package goods store sales, but the policy will require that the BOS meet the following findings of fact:
1. experience of the licensee; 2. safeguards against the sale of minors or persons already under the influence; and 3. no huge glut of stores in any one area of Town. This policy gives us specific ways of looking at each license. Mr. Eliopoulos said he would prefer to defer voting until our next meeting and Ms. Gates told him that this is our policy not to vote the night a policy is presented.

Mr. Dalton asked Kathy Fraser to have Nynex concentrate on double poles in the Drum Hill area - he has heard that Nynex is not off the poles.

Mr. Lawlor then explained the Town Manager Evaluation process, stating that the Board has done written evaluations that represent the best efforts of the Board to review the Town Manager's performance. We will do this part in Open Session and the Board then meets privately with the Town Manager to discuss his current compensation package. Mr. Lawlor said that Mr. Dalton will not participate in this evaluation since he is a member of a bargaining unit that is still in negotiations.

Mr. Lynch gave his self-evaluation - the Town is in excellent condition, the best financial shape in at least 15 years. This is because of efficiencies and good budgetary management, and collections are at an all time high.

As for Economic Development, the vacancy rate is down from 49% to single digit percentages. His goal is to put \$750,000 towards reducing the tax rate.

Regionalization - we are working with area communities and dealing with Route 3 and economic development.

Technology - we have achieved increased cable technology to the residents and the Town Departments, and we now have a Home Page.

Many major projects are going on and many major projects have been undertaken. Central Square has been funded for traffic improvements and the Library got funding for expansion.

Mr. Lynch said that the town organization is doing well - that department heads are working very well both singly and together. The Town is looking forward, and is investing in itself. He is proud of where we have been and where we are heading. We all have areas we would like to work on.

The Board then gave their ratings:

Dr. Weisfeldt said he rated Mr. Lynch 4-4-5-4-4 - he is unable to comment on Personal growth. He gave him overall a 4. His one flaw is lack of communication between him and the Board, other than that he's doing an excellent job.

Mr. Eliopoulos said it is difficult to rate the Town Manager because he is a new Board member. He said Mr. Lynch has always kept him informed of upcoming issues, and gives status reports on BOS referrals. He feels he can do better in public relations but fiscally he does a superb job. He is not sure about personal growth, but overall he is doing a very good job.

Ms. Gates said she is a tough grader. Re legislative relations, he appears to respond quickly; in public relations he is a natural teacher and speaker; she is impressed with his budget process - his weakness is dealing with school issues. His management skills are excellent, and his weaknesses might be in follow-through. He may take on too much. As a supervisor he made an excellent choice for an assistant, and his communication problems are he needs more consultation with the BOS re his re-organizations plans. She feels professional growth is rather meaningless and she gave Mr. Lynch an overall rating of 3.95.

Ms. Gates said we have a strong manager form of government and if it is going to work we need better cooperation between the Town Manager and the BOS.

Mr. Lawlor said that this is his sixth year working with the Town Manager plus 3 years on the FinCom. He gets to see the quality of management in other Towns and we have a high quality of management, among the best. He does a good solid job with relationships and responses. He tends to put too much on his plate but does an excellent job when there is not too much going on. A goal should be better delegation of responsibilities to dependable parties. He excels in budget preparation and his Town Meeting reps prep meeting is an excellent idea, as are budget updates. Re management skills, Mr. Lynch is strong and will be even stronger with John helping him. This will improve his direction, supervision and communication with department heads. As for his personal professional growth he tends to enjoy meetings and conferences and takes leadership positions and also comes back with good ideas. We are truly fortunate to have him as Town Manager.

Ms. Gates commented that we should be thankful that our problem is how do we spend our surplus, we have made economic and technological improvements and our problems are all good.

Mr. Lynch thanked the Board for their reviews and said there is always room for improvement. The institutionalization of the Assistant's position enables him to respond to the Board's needs and initiatives. He thanked the Board for their continued support.

At 9:45 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to go into Executive Session to discuss collective bargaining. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

John E. Cate

RECEIVED

97 AUG 19 PM 12:01

Regular meeting of the Board of Selectmen held Monday, July 14, 1997 at 7:00 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present.

Chairman Lawlor called the meeting to order at 7:05 p.m. and extended the best wishes of the Board and the Town Manager to Mrs. Jo Krasnecki for a speedy recovery.

During Open Session Tom Moran spoke as a member of the Board of Directors of the Paul Center. He said that the Chelmsford Country Club is opening their 6th hole on August 1st, with a 9-hole scramble tournament and the proceeds go to the Paul Center. He asked the BOS to attend and said that for \$20.00 there is the scramble, an all day barbeque and a group playing at 7:00 p.m. Mr. Moran said that the club has the best greens in the Merrimack Valley and he is looking for a good turnout, with lots of prizes.

Dean Ayotte, Coach of the Bandits Girls Softball Team, was present with team members Amanda Ayotte and Kirby Olsen, and said that they have four teams and have won championships in four tournaments. Two teams, the 12 and 14-year olds, are going to Chatanooga, Tenn. for the Nationals, and they need to raise app. \$15,000 and need the support of the community. People can call Mr. Ayotte to give donations. He said that this involves 25 girls, and a 7-day tournament.

The Town Manager said he will be advertising vacancies on various boards within the next 2 weeks.

Under BOS Reports and Referrals, Ms. Gates said the library expansion plans are moving along and the architect is expected to be at our August 4th meeting. The Cable TV foundation wants to know when we can hold a BOS meeting at the studio, and Mr. Lynch said we will try for an August meeting. Ms. Gates said they want to have an Open House when the I-net is completed.

Mr. Lawlor asked about the Library timetable and Mr. Lynch said we will go out for bid in November, with construction starting in March, and 18 months to do the work. We need to get the Children's House and the Carriage House off the site and to find temporary space for the library.

Mr., Dalton spoke to Kathy Fraser of Nynex, who was present, and asked her about the double poles on Drum Hill Road - he's heard that all the utilities are off except Nynex.

Mr. Dalton asked Mr. Lynch if he has contacted Keven Ross and it was agreed that they both would call him.

Mr. Dalton asked for the Town Manager's weekly schedule.

Ms. Gates said she received a note from Ralph Hickey re the Community Development Block Grants and Mr. Lynch said the deadline is fast approaching.

Mr. Eliopoulos reported that there was an EDP meeting on Friday, with a ribbon cutting at BT Systems, Inc. with 14,000 sq. ft. on Elizabeth Drive, and a commitment from EDP to start looking at the retail sections in Town. Mr. Lynch commented that the BOS goal is to do something with Central Square, and EDP is supportive. Mr. Eliopoulos said that the residents are in support of a speed limit on Concord Road and he asked Mr. Lynch about the Police Chief's report. Mr. Lynch said that the State allows Towns to make certain decisions about traffic control but they must meet State standards. They use the speed at which most of the traffic goes and have to do a full study of what speed limit should be set by monitoring speeds, which they are doing now. There could potentially be a speed increase and by officially enforcing the speed limit it could be safe at 40 mph. Mr. Eliopoulos asked that the shrubs at the Dog Pound be trimmed and the area cleaned up.

Dr. Weisfeldt reported that the Sewer Commission hasn't met in a while, that the School Committee dedicated the tennis and basketball courts behind the High School and that the BOS/School Audit Committee is getting ready to make an appointment to do the audit.

Mr. Lawlor said that the Board has been working with the School Committee, Supt. of Schools and the Town Manager and will be making an appointment to have the audit done in the next few weeks.

Mr. Lawlor said that regarding the acquisition of the Forum it is our intention not to say too much publicly but we will have more to say shortly.

The Board then met with Kathy Fraser, Nynex Right of Way Manager, with a joint petition for a pole to be placed on Chelmsford Street - Plan 933. The current pole is undersized, leaning and in the sidewalk. Mr. Frazer said that Chelmsford Street (Rte. 110) is a State road and they have gone to the State for a permit. Mr. Dalton asked if the present pole will be removed and Ms. Fraser said as best they can. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the joint petition for the pole on Chelmsford Street as shown on Plan 933.

Members from American Legion Post 313 were present with a petition for a change in Manager from Donald Quebec to William E. Nickles.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos. unan. to approve this change.

The Southwell Field Committee Board of Directors then met with the Board, and Mr. Lynch introduced Joyce Johnson, Sue Olsen and Sue Carter. He said that about a year ago the committee was started, and that he showed the BOS a number of improvements that they wanted last November. Sue Carter has been working with Land Use Coordinator Andy Sheehan and the Southwell Field Committee has worked with the Town.

Joyce Johnson, President of the Friends of Southwell Park said that she, Ms. Judy Olsson and Ms. Sue Olsen wanted to work with this 26 acres of land, incorporated and held fund raisers. The next Septemberfest will be held on September 14. The park will be handicapped accessible and the girls need lights and dugouts on their field. She said that Ms. Carter has done a great job with plans and photos. They are

now forming sub-committees and have had support from the Police and Fire unions, the Lions Club has donated picnic tables.

Ms. Carter said she is trying to show the Board how we have taken the concept that the BOS had 10 years ago and enlarged upon it. She and Andy Sheehan have walked the site and it will make a great outdoor classroom for Lighthouse students and the other kids in Town. They are working with the Town, and Andy Sheehan is filing for grants to help with the handicapped accessibility. They need more shade in the area and are looking at the cost of planting shade trees with local nurseries. Their major goals are: Lights for the fields closest to the snack bar and controlling riverbank erosion. They are looking at improving the location and are asking for BOS support. They want to start the first phases later this year. Ms. Carter showed the BOS photos from various angles in the field.

Dr. Weisfeldt asked what is the time frame and Ms. Carter said they are setting up a series of sub-committees and hope to do Phase 1 - plantings and lights - this fall. Ms. Johnson said it depends on the funds that come in. Mr. Lynch said we may be able to get two grants for the project - we are talking with the Public Access Board about the shore erosion and with DEM about the walkway. He added that some open space funds are no longer available. Ms. Johnson said if anyone wants to donate time or money to the project they may get in touch with her or with Mr. Lynch.

Ms. Carter told the Board that the pathway will loop onto itself on Town property. Mr. Dalton said that Louise Tremblay, manager of North Chelmsford Hardware, got some grants for Dracut and would be glad to talk to committee members on this subject.

Ms. Gates said that the plan looks wonderful and that the path on the side of Deep Brook was a Boy Scout project and the bridge siding was destroyed. She noted that the railroad tracks are not shown on the plan and we should put up a stop or "Go Left" sign at the tracks. She asked if they had approached the garden clubs about trees and Ms. Carter said they have been talking with local nurseries. She added that Andy Sheehan has filed a Notice of Intent to control the erosion process.

Mr. Lawlor asked what is the softball season and was told from March through September and Ms. Johnson said that Septemberfest is their final game. He asked if the soccer association has indicated an intent to no longer use the field and Ms. Johnson said they have a fence, similar to a snow fence that goes up in the spring for softball and can be taken down in the fall for soccer practice. Ms. Johnson said that irrigation from the fields would be very costly and Mr. Lynch said we need a permit to draw from the river. He said that irrigation here is not as big a problem with other fields and Ms. Carter said we really need sub drains to drain the fields.

George Simonian, Dick Moser and Angie Taranto from the School Dept. were present and Mr. Moser told the BOS that a group of 7 or 8 people have been meeting over the past few months to discuss upgrading the McCarthy School facility track and field. They want to honor the late School Committee member Carl Olsson for all the work he did for Chelmsford and the School Committee. They have been looking at alternatives and the total cost.

Former CHS Principal George Simonian showed the plans, saying that the School Committee at their June 29 meeting approved the proposal and naming the fields the Carl A. Olsson Memorial Track and Field. Mr. Simonian said that the renovations are very extensive and will cost about \$500,000 and be done over a 4 - 5 year time frame. Mr. Simonian listed Mr. Olsson's accomplishments, noting that he set an unbroken state 200-yard dash record and this is a very fitting tribute to Carl. They want the BOS to become part of this and the complex will benefit the whole Town, not just the students. They are building two soccer/lacrosse fields and this is a very ambitious project, and not competitive with the Southwell project. There are 11 people on the dedication committee and dedication will take place this fall.

The Board all endorsed the project and Mr. Eliopoulos volunteered to be Selectman liaison to the Committee.

The Board then discussed the Alcohol Package Goods Store policy presented by Chairman Lawlor at the last meeting. After much discussion it was agreed to amend the motion by adding to Sec. 1 - "licensee and manager" and ending Sec. 3 after "other licensed premises."

Dr. Weisfeldt asked how many licenses are available and Mr. Lawlor said no all alcoholic out of 7 allotted, and 5 beer and wine out of 7. He said that the ABCC doesn't preclude Towns setting more stringent policies. Sec. 2 has been sent to Town Counsel for review. Ms. Gates said that re Sec. 3, it can work either way - the more specific we make policies the more we tie ourselves up. If we say "within the Town of Chelmsford" it could be considered arbitrary and capricious.

Motion by Mr. Dalton, seconded by Mr Eliopoulos, unan. to approve the policy on Alcoholic Beverages Package Store presented by the Chairman as amended.

The Board then discussed BOS/Town Manager goals.

Mr. Lynch has provided follow-up to the goal setting sessions held by the BOS and went over the various sections.

Tax Relief - we want to continue our 2-year goal for FY97 and FY98 to retain the rate.

Budget Surplus Development and Utilization Plan - by October 1 he hopes to have a plan on how to use Free Cash and continue to put money into the Stabilization Fund. Mr. Lynch said there are two sources of Free Cash - money appropriated and not spent, or anticipated revenue, through excise taxes, etc.

Development of Alternative Revenue Sources

- Maximize our share of State Aid
- Concept of Public Enterprise - the Golf Course, i.e. is now generating \$70,000 per year; the Forum; mapping services, engineering services. etc. - he hopes to report to the Board by February 1.
- Review current fee levels - compare with other communities. Will report to BOS by Dec. 1

Strategic Assessment of Properties

We hope to increase commercial values over residential rates. Once their values go up residential will go down. The re-val should be completed by Nov. 1.

Economic Development Efforts

Work with CBA, EDP, Chamber of Commerce. Continue to reach out to area businesses. Ask DPW to assess infrastructure needs in commercial zones. Focus on Chelmsford Center.

Service Delivery Enhancement

Establish Performance Assessment Process - develop a process to monitor how effectively our services are being delivered, and how we compare with other Towns. This depends on other communities doing the same thing, and he is not aware of any in this area right now.

Five-year Plan of Operational Review

The School Audit is now in the process of getting underway and should be completed by Jan. 1. We want to analyze all functions of the Town departments over the next 5 years. Recommendations for future reviews will be made by Feb. 1.

Technology Enhancement

We have to continue to stay on top of this. Last year we focused on public use and this year we will have a more internal focus. A report will be made to the BOS by March 1. Ms. Gates noted that the server was down over the weekend and John Coderre, Assistant to the Town Manager, said this was temporary and it now running.

Quality of Life Initiatives

Recreational Facility Improvements -

We are working on Varney Playground, Southwell Field Complex, East School Playground, Freeman Bike Path and the Forum, which we would like to obtain by Dec. 1.

Historic and Cultural Resource Enhancements

We are expanding the Historic District in the Center, and we will try to get the North Town Hall and that area designated as a National Historic District. We hope to complete this by June 30. We intend to complete the Open Space plan by Dec. 31.

Central Square Improvement

We hope to do the engineering work on the traffic problem in the fall.

With EDP we are working on amenities such as public parking and space, pedestrian links, small parks. We are working on Aesthetics - streetscape improvements, utility depression which we hope to propose at the Spring ATM and facade improvements. Mr. Eliopoulos asked if we can tie in the Freeman Bike Path and Ms. Gates asked if Mr. Lynch or John could talk to Mass. Electric about design lighting. Mr. Lynch said we are working with the MEG group and hope to have plans completed by Oct. 1.

Operational Improvements

- BOS Policy Compilation - this should be the topic of Work Sessions and should be completed by March 1.
- Labor Goal Setting Process - develop a policy to include more BOS input into labor relations. Policy should be prepared by Sept. 1.
- Codification of Town By-laws - we want to get funding for this project at the Fall ATM and complete by next April.

Board members all agreed that the goals are positive and it is a good agenda. They hope he can keep to the time frame.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the BOS/Town Manager goals as presented by the Town Manager.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the following one-day Beer & Wine licenses requested by St. Vartanantz Armenian Church: August 3 - 12 noon - 6 pm; August 10 - 12 noon - 6 pm and August 17 - 12 noon - 6 pm.

There were no Press Questions.

At 8:45 pm motion by Mr. Dalton, seconded by Ms. Eliopoulos, to go into Executive Session to discuss acquisition of real property and collective bargaining. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

J. J. E. Carter

town clerk

97 SEP -9 AM 10:36

Regular meeting of the Board of Selectmen held Monday, August 4, 1997 at 7:00 pm. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present, as were John Coderre and Marian Currier.

No one was present for the Open Session.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan., to approve the minutes of June 30, Reg. and Exec. Sessions.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the minutes of July 14, Reg. and Exec. Sessions.

Board members gave their reports as liaisons:

Dr. Weisfeldt reported that the Sewer Commission will come to a BOS meeting in the Fall for an update on the Sewer projects.

Mr. Eliopoulos reported on a list of projects that NMCOG is working on from FY98 to FY2003. Mr. Lynch said that Jim Pearson is looking at this list. Mr. Eliopoulos reported that there was a Tri-Board meeting last week - Consv. Comm., Planning Board and Board of Appeals - just to keep the lines of communication open. Mr. Lynch said that there is a Committee reviewing the Master Plan. Mr. Lynch said that we have applied for a \$25,000 State grant for help in re-writing some by-laws and we have made it through the first round.

Mr. Dalton said that there is a storm drain in Vinal Square in front of Peter Riccardi's that collects water and makes cars stall out. Mr. Lynch said the DPW will check into it.

Ms. Gates said that we will hold a BOS meeting at the Cable TV Studio in September.

We have received calls re the new cable provider, Media One, and Mr. Dalton said that rates have gone up and asked if we could have Bob Carr back in to explain the increases to the public. Mr. Lynch said we will have him in to the next meeting.

Ms. Gates asked Mr. Lynch about the library and he said there is nothing new to report. Tappe Associates is trying to make it all work - making the best use of the interior and keeping the exterior similar to the present library, and parking, etc. They should be ready to go with a presentation at the next BOS meeting.

Mr. Dalton asked about the Center School and Mr. Lynch said that Lighthouse is vacating the end of August and we will move forward with architectural proposals.

Ms. Gates reported that Chelmsford High School Students are interning at Avid and it is an incredible opportunity for them. Students are editing and producing videos and home computer programs. This was arranged through CHS and the Cable Foundation.

Mr. Lawlor asked who is paying for the Police details at UPS and Mr. Lynch said that UPS is. There are about 30 Chelmsford Officers there, and there were a couple

of incidents today and arrests this morning. The Tactical Unit has been called in to make sure things stay under control.

Mr. Lawlor asked with this semi-drought if there has been anything to report on fire problems. Mr. Lynch and Mr. Dalton both said that since this is not a burning season there has not been much increase in the number of fires.

Mr. Lawlor said that the Audit Review Committee did a great job and thanked all the members by name. They held 5 meetings and everyone involved should be proud. All worked hard to make this a valuable project and to insure that the final product is meaningful to the whole Town.

Under Town Manager reports, Mr. Lynch reported that we have been doing background work with the State legislature to transfer the Forum to the Town of Chelmsford, and also obtaining information to make informed decisions if we obtain the property. We hope to have it completed by the end of the month.

Under economic development projects, he reported that at the Summer Street Market Place they are making viable improvements, changing the facade and parking improvements.

Mr. Lynch reported that Local Receipts for FY97 were 14% above the projection and that the tax collection rate was 99.8%. Sewer offset receipts were 10% above the projected figure, while the State reimbursement was a little lower than anticipated, by about \$70,000. Revenues exceeded projections by 1.2%, and FY97 was a good fiscal year.

Ms. Gates asked about the 4% room tax, and Mr. Lynch said it all goes to the Town, that we have more hotel rooms than Lowell and there is a lot of money to be made there, with occupancy rates extremely high.

Mr. Lynch said that Free Cash will be certified by the end of August/middle of September and once it is certified we can develop a utilization plan and go to Town Meeting with the plan. The difference this year is that it is a re-valuation year.

Mr. Eliopoulos asked when will we meet with the FinCom and the School Committee again and Mr. Lynch said the first meeting in November.

At 7:30 pm Sheila Kaslowski, Cabot Construction, was present requesting that instead of a utility pole they are asking to place underground conduit to furnish electricity and telephone service to new homes at 14 and 16 Marion Street. She showed the BOS a map, and said that neither the pavement nor the sidewalk will be cut. Mr. Lynch asked her to send the necessary paperwork to the Board. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to permit the installation of the underground conduit, with the stipulation that it be placed inside the shoulder of the road.

Neil T. Coffin, 39 Carlisle St. Westford, was present requesting the transfer of the Class II Auto Dealer's license exercised on the premises at 170 Middlesex Street, from Jim Allard to N.T.C. Automotive. Mr. Coffin told the Board that he has been in the Chelmsford/Westford area for 35 years, and in the automotive business for 30

years. He is aware of the restrictions on the current license, including limiting the number of cars on the premises to be sold at 6.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to transfer the Class 11 license at 170 Princeton Street to N.T.C. Automotive, with the same restrictions presently on the license and contingent upon the landlord's taxes being current.

Under Appointments, Mr. Lynch said he is appointing Donna Pechulis, 18 Cathy Road, to the Council on Aging.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve this appointment.

Mr. Lynch is appointing Charlene Parlee, 10 Miland Avenue, to the Conservation Commission.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve this appointment.

Mr. Lynch is appointing Rosalyn Tavanis, 9 Higate Road, to the Cultural Council.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve this appointment.

Under Contract Awards, Mr. Lynch said he is awarding all Highway services and material bids to the low bidders, as recommended by the DPW Director. Mr. Lynch read a list of the materials and low bidders.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the Highway Dept. bid awards as stated by the Town Manager.

Mr. Lynch said the street sweeping award is to Carpenter Construction and the cooperative salt bid to Eastern Salt, of North Chelmsford.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve these bid awards.

Mr. Lynch said that the bid for the School Operational Review and Audit of the School Department is awarded to Peat Marwick for the sum of \$44,756.00. Mr. Lynch said they will be reviewing the structure and organization of the Dept. and bench marking, looking at comparable communities. The team they are bringing in has experience in public education. They will identify strengths and weaknesses in the Dept. and their report will take the format of graphs, tables and charts that will show how funds are allocated.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve this bid award.

Mr. Dalton asked that on any license or transfer application that we check with the Treasurer to make sure that all taxes have been paid.

Attorney Joseph B. Shanahan, Jr. was present representing J. C. Cafe, Inc. for a Public Hearing re their application for an All Alcoholic Common Victualer license and 7 day Entertainment license, to be exercised on the premises at 131 Drum Hill Road. They are renting 3,000 square feet at the westerly end of the Plaza, where the former Mai Kai had rented 4500 square feet. All abutters have been notified by Certified Mail.

Mr. Shanahan introduced the owner/manager Dusadee Lee Narbunshart and his wife. Over the past 12 years Mr. Narbunshart has owned and operated 19 Thai

restaurants in the New England area and at present owns 7 in Massachusetts. Mr. Shanahan showed the BOS the floor plan, with app. 100 seats. Hours requested are: 8 am - 2 am weekdays; 11 am - 2 pm Sundays, as the Mai Kai had. Entertainment will be pre-recorded music and TV in the lounge with no live music and no dancing. Dr. Weisfeldt asked when would they open and Mr. Shanahan said as soon as they get ABCC approval - within 8 - 10 weeks. The building is gutted right now.

Mr. Eliopoulos asked about the Mai Kai sign and Mr. Shanahan said it is coincidental that he represents both the owner and the tenant of the building. The owner of the sign will take it down if the tenant has no interest in it and Mr. Shanahan would not pick up the license until the sign is removed. He does not want to tie one issue to the other.

John Coppinger, 20 Ansie Road, asked to speak as a member of the Board of Appeals. He has no problem with the new restaurant but he thinks it is wrong to say if they are given the license the sign will come down. The sign should have come down a long time ago. Mr. Shanahan said that the sign was illegal when the Mai Kai opened. When the Building Inspector notified them that it is illegal Mr. Katz went before the Board of Appeals and his client appealed the decision within the 21 day period so the sign could stay up. When his client knows who the next tenant is the sign will come down. If the BOS does not vote on this they will have to appeal. Mr. Eliopoulos said he agrees with Mr. Coppinger and wants the by-law enforced. Ms. Gates said her goal is to get the sign down and Mr. Lawlor said the BOS started the initiative to get the sign taken down.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to grant the All Alcoholic Common Victualer license to the J.C. Cafe, Inc. Garlic & Pepper, 131 Drum Hill Road, subject to voluntary removal of the sign.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the 7-day Entertainment license, subject to the stipulation of No Dancing.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve a 1-day All Alcoholic license for St. Vartanantz for August 30th.

Mr. Coppinger said that he has seen several of their activities advertised with postings on telephone poles around Town and they should be notified of this violation.

Peggy Dunn, Chairman of the Historic District Commission, said she is present by invitation of the Board to review the Historic District boundaries and discuss enlarging the district. Ms. Dunn said that in the 1960's and early '70's people were concerned with both the residential and commercial rapid growth of the Town and were afraid the town would lose its integrity. In August of 1974 the BOS appointed a study commission and after 10 months review went to Town Meeting in May, 1975 to establish an Historic District. When we are listed as an Historic District and on the National Register it makes funds available to municipalities and non-profit organizations for projects within the District, such as re-furbishing Old Town Hall. Ms. Dunn showed a map of the current district and said that there is wonderful cooperation from the owners in the district and the way they take care of their properties.

Ms. Dunn said her Commission had not contemplated expanding the Historic District until they received the memo from the BOS asking about including the Adams Library. If enlarged they would suggest down Boston Road to Hall Road since there are at least 21 houses over 100 years old. A Study Committee would have to be formed and all properties researched and inventoried. It would take at least one year for a formal report, Ms. Dunn said.

Ms. Gates said that what's at risk to go through an arduous project doesn't seem worthwhile. Having a certain area designated on the National and State Registers brings a public awareness and spurs people on within the district to preserve their property. She would like to see the Commission continue and through a grant hire someone to continue inventorying. Then we could have certain areas designated on the National Historic Register.

Mr. Dalton said he would like a meeting with the business community members in the proposed district prior to setting up a study committee. Mr. Eliopoulos asked what about the Clock Barn on Boston Road and Ms. Dunn said that is not in the proposed district - you have to stop somewhere.

Dr. Weisfeldt noted that the Mill House has been improved by the new owner and we don't want to deter business owners with too stringent signage, etc.

Kevin Riney, speaking for Bill Riney, 4 Bartlett Street, said they own one property within the district and one outside, and they restore properties, not repair them. They take great pride in the Bartlett Street property and he feels the district does not have to be enlarged. He thinks they are already doing the job, and we are talking second and third generations.

Ms. Dunn said that there is not the pressure on Boston Road that there was when the Historic District was created. John Handley said there is no clear rationale anyone has come up with to expand the district. Ms. Gates feels the only problem within the district is signage. and Mr. Handley said to expand the district to protect ourselves from what - there is nothing to protect ourselves from, and no rationale to expand.

Mr. Lynch read the list of committee members appointed at the last meeting, and said that there are vacancies on the Cultural Council, Holiday Decorating Committee and Sign Advisory Committee. Mr. Dalton asked that these be posted on cable.

At 9:00 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to adjourn to Executive Session to discuss acquisition of real property and pending litigation. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Marion D. Curran

97 OCT 21 PM 3:34

Regular meeting of the Board of Selectmen held Monday, August 25, 1997. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch and his assistant John Coderre were also present.

During Open Session Keven Ross, 70 Billerica Road, was again present re the fire road from our parking lot to Center School. He guessed the BOS didn't realize that homeowners have driveways back there, and that he has no access to 90% of his property from the front, only an 18' driveway. They are landlocked by the Jersey barriers. Ms. Gates said she doesn't think we ever voted an actual solution. Mr. Lynch drew a map on the board showing the paved access road from the Town Offices parking lot to the Center School. Four property owners have frontage on and driveways onto Billerica Road. The paved area is part of Town property.

Mr. Lynch said the concerns re using sawhorses rather than the barriers are that they can be moved or thrown aside and the DPW, Fire and Police Chiefs all said that there should be something more permanent - like boulders or jersey barriers. If we put the barriers in the middle of the road cars wouldn't realize they had to stop, and it would also make the area too secluded. Mr. Ross said there is no other way onto his property and he inherited it from two previous owners.

Mr. Lawlor said that Town Counsel has checked the property behind there and it is owned by the Town and not subject to any easements. He added that there were never any driveways there when he went to the Center School from 1964 to 1967. He told Mr. Ross that he has been here 4 times and the barriers were erected at his request. No matter what we try to do, it's not good enough for him.

Ms. Gates told Mr. Ross that this Board has tried to listen very patiently to him - we blocked that road off because you didn't want the traffic and the police had told us that the cut-through was a problem. If we let you use that Town property all abutters will want to use Town property, and we can't let one person use for themselves that belongs to the whole Town. We're not using that land as a public way and can't grant you the right that we can't grant anyone else.

Mr. Dalton said he was surprised at Mr. Ross's letter that he demands access to his property, but you didn't want that access when the Center School opens. The Town has liability by letting you use that property. Mr. Eliopoulos said his primary is the Center School and the children - he doesn't want to see any cars or boats going through there. Dr. Weisfeldt said he agrees with his fellow Board members, and asked if he doesn't have a driveway from Billerica Road. Mr. Ross said he has 18 feet from his hedges to his house.

Mr. Lawlor said to Mr. Lynch that he has heard the Board's perspective and also Mr. Ross's perspective. We've given him 7 days to move things off his property. We've always used this as an emergency access for the Fire Dept. and the choice is keeping it closed or opening it up again. We'll work with Mr. Ross to get his things off the property and will let things stand as they are. The Fire Dept. doesn't need the road and there are two entrances to the Center School.

The Board then met with Martha Spaulding, 18 Moore Street, who has been having problems with Media One. She thanked the BOS for their efforts to date and listed her complaints with the cable company:

1. they don't like to answer the telephone, and she got a busy signal for one/half hour;
2. they keep people on hold for up to 45 minutes and don't confirm appointments. They say they have a 2-hour leeway, but they should either keep appointments or call to say they're not coming;
3. her original order was for Basic and Life and she has things on her cable that she's not interested in;
4. an AB Switch was never installed, which can hook video games to the TV, would still have basic stations if cable went out and would let her record programs on her VCR.

It took them 4 visits to install it, and one technician did damage to her TV console.

5. an explanation of her bill - what is a user fee - it goes back to the Town - for what purpose? Mr. Lynch said for public access.

6. she has no cable now, since they removed her normal antenna wire, and interference from UPS is also causing problems.

She wants to see Media One do a survey as to what people want - service has gone down and rates gone up.

Ms. Gates said that the BOS is the licensing authority for a cable provider to be in our community - our original contract was negotiated with Lowell Cable, then Continental took over and then Media One. All we can look at is a company financially and technically able to provide service. All we can do is choose a provider and we have no control over the programming. She wishes we did - we have had more calls over removing the Food Channel than anything else. The user access fee money goes to provide public government access - Channels 10 and 22. Federal law says they must provide service to Towns that have public access providers - in our Town this is Chelmsford Community Television, and anyone in the Community can participate in and even produce their own programs. We can't control programming or fees that are charged - that's at the State level. The State Cable TV Commission is holding hearings on rates.

Paul Forte, Concord Road, had a letter re speed limits on Concord Road which he read to the Board, in which he stated that he feels that Old Westford Road and Stedman Street are similar to Concord, and both have speed limits of 30 mph. Mr. Lawlor noted that Mr. Forte has been in before the BOS with a petition, and Mr. Forte said that now they want to have the road posted for both 30 and 35 mph, in different sections.

Mr. Lynch said he took the request for 30 mph to the Police Chief and DPW Director. The problem is State law, which reflects how traffic speeds are set - village area, school zone, etc. and the limit is based on what the average speeds are on a roadway. The Chief and the DPW Director say that if the average speed is 35 mph the State could decide to increase the speed. Mr. Lynch will take this new letter to the Police Chief, but it may be more confusing, posting two speeds. They have put up Caution - Thickly Settled - Slow-Children Signs and the speed is

being checked by radar. Mr. Eliopoulos said we want to put up that typical signage as a short term solution, until we can come to a long term one.

Mr. Dalton asked if we have talked to anyone in Carlisle as to how they posted Lowell Road at 30 mph, and Mr. Lynch said the problem is that if the Town puts up its own speed traps, the State wants consistency.

Jack Scott from Mass. Electric was present with two petitions:

1. Crosby Lane - to put up one new pole and wires to serve the new Parlee Building at the end of Meeting House Road. Mr. Lynch said he had received a call from abutter Tom Doyle to see if he could meet with Mass. Electric could sit down and talk, since this would mean another pole on his property.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to continue the pole hearing on Crosby Lane on plan #C-755 to our next meeting.

2. Mr. Scott's second petition was 24" conduit to serve Precision Machine on Littleton Road. Mr. Pearson has approved, and noted that this is a State highway.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve.

Mr. Lynch asked if there has been any progress on the pole at the intersection of Carlisle Street and Marshall Street, and Mr. Scott said that engineer has left the company so he doesn't know.

Former Selectman Dennis J. Ready then addressed the Board, noting that the Town's population is now 33,500 and he thinks maybe a committee should be appointed to re-district precincts by the year 2,000 census. By law no precinct shall exceed 4,000 residents. Our Town Charter talks about precinct reps and 9 precincts, and there is no provision made in the charter to change to 10 precincts. We will have to change the charter to reflect 10 precincts, and maybe it is time to re-think the number of TM reps from each precinct.

Robert Carr, Media One Governmental Access Manager, addressed the Board, and complimented Ms. Gates on the answers she gave to the questions raised by Ms. Spaulding.

He said he will also address some of the questions that were raised.

1. Inability to answer phones in a timely fashion - we are having problems with the phones and it is our own fault. The company severely underestimated the number of phone calls - 20% more, and the talk time has increased from 3 minutes to 6 minutes. They are trying to increase the number of operators and customer service reps - they want an additional 150 people hoping to reduce the time each call takes, they will be taking calls at night and refine their electronic monitoring service.

2. Scheduled appointments - it is difficult to have less than a 2-hour window because we can't predict the specific time for a service call.

3. Programming is the prerogative of the company - they have eliminated 4 services - WPIX, 2 Home Shopping Networks and the Food Channel. There are a number of "must carries" and always a number of programs that won't be picked up.

4. Rates - they're regulated. They file a form with the federal government every 6 months and calculate what they think the rate is that will be approved by the Fed. Govt. The Mass. Cable Commission has the right to review these rates. Re the July rate adjustment - all parts of the standard tier are regulated and there are 4 groups of regulated tiers in Chelmsford. Some rates went up and some went down.

Dr. Weisfeldt asked why do they bill in advance and was told that 1. we are a subscription service; and 2. don't have a wide geographical area.

Mr. Eliopoulos said there are complaints that fees have gone up and some that were in basic before now are no longer there. There are also complaints that appointments are made and not being kept with no call to the customer.

Mr. Dalton said that if they are bringing on more staff to answer calls is it only temporary and Mr. Carr said that they are anticipating more calls and don't think they'll be reducing their staff.

Mr. Dalton said we have had complaints that callers are treated rudely and the staff is not helpful. Mr. Carr answered that it takes 16 weeks to train a Customer Service rep but rudeness is a separate question and not acceptable.

Ms. Gates asked if people can't get through on the phone is there a customer service desk and was told either Wilmington or North Andover. People can still go to Washer Street in Lowell for a box or clicker. Ms. Gates asked Mr. Carr to talk with Ms. Spaulding in the hall.

Dr. Weisfeldt said that he has had good luck contacting them by phone and so has several of his friends.

Mr. Lynch said we've had a number of calls and is glad Mr. Carr came in tonight.

A presentation was then made on the Adams Library proposed addition. The Library Trustees were all present. Mr. Lynch went through the design steps, noting that there were issues of ventilation and interior space but we now have acceptable interior and exterior designs.

Tony Tappe, Principal of Tappe Associates and Ann Pitts, Senior project manager, said that they've completed the design development but it an ongoing project. They showed drawings of the interior and exterior designs. Mr. Tappe said that have tried to retain the historic presence of the Adams building - the addition supports it but is a large new library.

Mr. Dalton asked about a cupola on a former design and Ms. Pitts explained that they were afraid they were starting to mimic the existing building and there is no way to duplicate it. Columns incorporate the elements of the existing building, and the old entrance will not be used.

Mr. Eliopoulos said he commends the work of the firm and the Trustees and asked if the interior is handicapped accessible and Ms. Pitts said there will be an elevator in the main lobby.

Mr. Lawlor asked about outside materials and was told that the exterior will be brick, the banding and front entry way pre-cast, the roof will have fiberglass shingles and the vault copper.

Ms. Gates said how pleased she is with what they have ended up with and knows that we made the right choice of architect. John Cutter, Chairman of the Trustees, said that they are all very happy with the design and glad that the BOS is, too.

A round of applause was given to Library Director Mary Mahoney, who was not

present.

The groundbreaking is to take place in the Spring, and completion within 18 months.

Mr. Lynch reported that:

1. the Mai Kai sign is down;
2. Ms. Gates said she is concerned with the new cable studio space and the computer being replaced;
3. the problem of what to do while the new library is being built - we will convert the gym downstairs for 18 - 24 months. This will be less expensive - it saves rent to put towards construction, and it will require some improvements - restrooms, windows, heating, etc. No one was willing to rent space to us at low rates.

Mr. Lynch had several contract awards: Refurbish Engine 4 - low bidder was M & R Auto Body for \$21,800; Diesel Exhaust System to Air Cleaning Specialist for \$34,567; and Roof repairs on Engine 4 to Pinnacle Roofing, Inc. for \$12,750. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the Town Manager's bid awards.

Mr. Lynch added that these projects have already been funded either through Capital Planning or the operating budget.

Mr. Lawlor said the UPS strike is over and Mr. Lynch said it was very well handled by the patrolmen, Superior Officers and Chief Caron. Others say that the situation in Chelmsford was handled very well by Chief Caron - both with management and the union. Mr. Lawlor commented that there is still trash on Brick Kiln Road.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to grant two Roadside Vendor's licenses to Greg Spring to sell Christmas trees at Skip's, 116 Chelmsford Street and Sully's 55 Graniteville Road.

The Board then discussed the appointment of Town Counsel, noting that Kopelman & Paige has indicated the same fee as last year. Mr. Lynch said they have performed very well for the Town, they have a vast knowledge of municipal law and are very responsive to our needs. They have kept the costs to the Town down, and costs have been less than or equal to prior years.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to appoint Kopelman & Paige as Town Counsel for FY98 at the same financial terms as last year.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. that the Town celebrate Halloween on Friday, October 31st from 5 - 8 pm. Mr. Dalton said it is more hazardous for out-of-town drivers when we celebrate Halloween on Sunday nights because they don't expect trick-or-treaters on any night except October 31st.

Dr. Weisfeldt said that the Center School Building Committee hopes to go out to bid by January, and be ready by September, 1999. He reported that the School Dept. has a new handbook with dress codes, and lunch fees have increased.

He reported that the Sewer Commission wants to come to a BOS meeting in October with an update on sewerage progress.

Mr. Lynch said that the Lighthouse School will be out of the Center School by

September.

Mr. Eliopoulos said that the Children's House auction is coming up, and what are the parameters. Mr. Lynch said several parties are interested in both properties, and the high bidder would post a bond.

Mr. Eliopoulos said that there is a pile of loam at the intersection of Proctor Road and Park Road, and a resident has offered to spread it.

Mr. Eliopoulos said that a letter has been sent out to all residents in the Dalton Road area. Mr. Lynch said we have come up with a plan to save a good number of trees. If not, we will replace trees 1 for 1. This is a full road reconstruction project - they will grind down the road, put in drainage and sidewalks and repave the road. Mr. Eliopoulos noted that the meeting is at 7:00 p.m. at the Westlands School.

Mr. Dalton requested that we have a gooseneck mike installed on the podium and Mr. Lynch will take care of it.

Mr. Dalton asked about Vinal Square and Mr. Lynch said we are doing some repaving work, have communicated the drainage issue and have met with them. We'll see what happens when school is in session - hopefully the concerns will have been alleviated and we won't need to meet with the State.

Mr. Dalton asked about the Freeman Lake Dam and Mr. Lynch said the DEP did a site visit two weeks ago and will get back to us by the end of the month to let us know if we can lower the level and replace the water.

Mr. Dalton asked about the double poles in the Drum Hill area and John Harrington commented that Nynex was working on them.

He said that Harold Kacy is doing a great job in filling spaces at 85 Parkhurst Road, that it is almost all rented.

Mr. Dalton noted that the School Committee is discussing the Foundation Reserve, and Mr. Lynch said that this is a \$15 mil project that is being funded by the State. He said he doesn't think we meet with criteria, that we don't have significant enrollment growth. Mr. Lynch will look into it.

Mr. Dalton presented a policy re seals on Town-owned vehicles and will ask the BOS to vote on it at the next meeting.

Ms. Gates asked about a meeting at the Cable TV studio in September, and Mr. Lynch will discuss it with Matt Scott.

She talked about new signage for the Historic District.

She said she will have a resolution for the MMA re Bike Paths.

She asked about decorative lighting and Mr. Lynch said the Town is attending a meeting with Mass. Electric this week to discuss it.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. that based on Mr. Ready's recommendation we create a study committee to see if we need to increase the number of precincts and re-draw lines, and change the charter to reflect the increased number of precincts.

Under Press Questions, Sharon Weitz asked how much was Kopelman & Paige paid last year, and Mr. Lynch said \$110 per hour, or app. \$75 - \$80,000 last year.

At 9:40 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, to go into Executive Session to discuss real property. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

J. E. Carter

97 OCT 21 PM 3:34

Regular meeting of the Board of Selectmen held Monday, September 8, 1997 at 7:30 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present.

No one was present to speak during Open Session.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the minutes of August 4, 1997, Reg. and Ex. Sessions.

There were no Town Manager reports or appointments.

Under Contract Awards, Mr. Lynch said that he has awarded the Central Square Traffic Bid in the amount of \$48,900 to Vanasse Hangen Brustlin in the amount of \$48,900. This award was recommended by Jim Pearson, Jim Stanford and Andy Sheehan, and will come from Chapter 90 monies. The design will include channelization of traffic, traffic signals, changes in signage. VHB has had experience funding with Mass. Highway and alternative improvements. Ms. Gates asked if the Bike Path is included and when Andy said no, she asked that it be included. Mr. Dalton said he is pleased to see that 3 of our departments have approved the project. Mr. Lynch added that the State is funding \$1.2 mil of the project and we may have to wait to go out to bid until they have the money.

Mr. Lawlor said he has a concern that VHB has done work for private developers and contractors who go before the Planning Board and is there any language to permit any conflict? Mr. Lynch said there is no language now and he doesn't see any conflicts but will re-check the language.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve this contract award for Central Square to VHB.

Jack Scott, Mass. Electric Company, was present and said that he has worked with the abutter who didn't want the new utility pole placed on Crosby Lane and they are requesting that the BOS approve the alternate plan which would require laying 2 4" conduits encased in concrete from Pole 4 down Crosby Lane to the Parlee land.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the alternate plan on Crosby Lane.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the application of St. Vartanantz Armenian Church for Sept. 27, 1997. The Adm. Asst. was asked to call the church and ask the to be specific re event and hours requested in future applications of this type.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve a Roadside Vendor's license for the Central Congregational Church to sell Christmas trees at their North Road parking lot during the month of December.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to issue a 1-day Auctioneer's license to James Baynas, Jr. for the Chelmsford Elks on September 17, 1997. Mr. Baynas will be asked to submit a copy of his state license and details of

what type of auction the next time he applies.

Leo Forcier was present requesting the transfer of the lodging house license at 146 Tyngsboro Road from Jared Finnegan to himself. Mr. Forcier gave his background in managing boarding houses, and he is Vice President of the Mass. Lodging House Association.

Mr. Lawlor explained that the BOS has the right to regulate lodging houses, which is different from an apartment building. Stays may be shorter, but not always, and usually the rent is paid weekly, not monthly.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the transfer of the lodging house license at 146 Tyngsboro Road from Jared Finnegan to Leo Forcier contingent on the sale on Sept. 11 and proof that all taxes and liens have been paid.

Under Town Manager Reports, Mr. Lynch said that he will have the Town Meeting warrant in draft form for the next meeting and hopefully a Free Cash plan. He also hopes to have a plan for the Children's House.

Mr. Dalton asked about the Wilmington double pole by-law and Mr. Lynch said it is on the draft agenda. to be reviewed by Town Counsel.

The September 22nd meeting will be held in the Cable TV studio.

BOS Reports and Referrals -

Dr. Weisfeldt said the School Committee has settled a 2-year Teachers' contract. There is concern re over-crowding in the South Row School and the School Committee is filing a grant application to get portable classrooms.

He said Jack Emerson is sending a letter re the Bike Path - there are sections of the path that the Sewer Commission will be taking for easements. Ms. Gates said she will pass the letter along to Danny O'Brien of the DEP. Mr. Emerson, who was present said we can adjust the contract to work with them.

Dr. Weisfeldt reported that the Sewer Commission will have a presentation at an October meeting of the BOS.

He reported that the Center School Building Committee has met and wants to be ready by September, 1999.

Mr. Eliopoulos reported that he has had calls from residents in the Old Stage area saying that a resident is living in a vehicle on a vacant lot in the area. Mr. Lawlor said that since this is a potential enforcement action we will discuss it in Executive Session.

Mr. Eliopoulos said he met with the group planning the Carl Olssen Fields at McCarthy and it is a fantastic proposal.

He said that Lahey Clinic is offering Senior programs.

Mr. Eliopoulos also said that the NMCOG Annual Dinner is on Sept. 15 and all BOS are invited.

Mr. Dalton said that the resident at 42 Middlesex Street wants the name and phone number of the Adams Farm maintenance treatment plant company. This way he can call when the odor problem is occurring.

He received a FAX from the Billerica BOS re the UPS details. We have a \$25,000 revolving fund and Billerica has \$100,000. fund. Mr. Lynch said all but \$50,000 has been released and UPS got \$250,000 out to us within 10 days.

Mr. Dalton asked could we put an article on the Town Meeting warrant to increase the fund, maybe not \$100,000 but some increase. Mr. Lynch said there is a law on Police details, that the Town can't pay until the money comes in. We are allowed to have a revolving fund, which we have but he doesn't want to unnecessarily tie up more Town money.

Ms. Gates said that re the Cable TV Studio what happens to the remaining equipment and Mr. Lynch said that Bob Cruickshank said it would be out by Wednesday.

Ms. Gates reported that there was a meeting of the Bike Path Advisory Committee and Danny O'Brien of the DPE is Chairman of the Committee. She thanked Rep. Cleven for responding and the project is on its way. They will set up meetings with individual abutters.

Ms. Gates said we'll be discussing the person living in the vehicle, and we're going to look into changing our by-law. Mr. Lynch said we have received some from other Towns.

Mr. Dalton reported that demolition has started on the interior of the North Town Hall. The work is being done by 6 prisoners from the Billerica House of Correction and is moving right along.

Mr. Lawlor reported that the Town received \$180,000 for the Technology Fund and when is the next round of funding? Mr. Lynch told him soon, and commended Bernie DiNtalie for the proposal he put together. The grant needed matching funds, which we provided, and we got the full amount.

Mr. Lawlor then announced that the BOS is meeting now to discuss the current and future uses of the Glenview Sand and Gravel site. The entrance to the old Lowell Landfill doubles as the entrance to the site.

Mass Gravel was represented by Attorney Barry Fogel, Dave Duffy, a technical consultant from CVM, and Pat Hannon, owner of Mass Gravel.

Atty. Fogel told the Board that their proposal is by agreement with owners of the property that the 32 acres between Route 3 and the Lowell Landfill will be filled and put back to productive use through closing and capping. Through discussions with Mass. Dept. of Environmental Protection (DPE) they feel that solid waste has been dumped there since 1938. The fill will be from the Central Artery project and the DEP has determined that by bringing material with the lowest level of contamination it can be used for creating landfill closure. The owners of the property have no resources and owe property taxes to the Town.

Mass. Gravel proposes to share information with the Board of Health and the public and needs to establish a schedule of public meetings. They can show two plans - 1. the interim plan that has been implemented in the past week or so. The total volume will be 750,000 cu yds of fill to bring the site back to a grade of 160 feet

above sea level and an interim grading area of 75,000 cu. yds. The DEP requires that anything beyond 75,000 cu yds. must have a public hearing. Plan 2 is the final grade plan, with no activity planned in the wetlands.

Mr. Dalton asked how long until completion and Mr. Fogel said that approval with the DEP allows 3 years for the overall project.

Dr. Weisfeldt asked for assurance that the materials are not hazardous. Mr. Fogel said that assurance comes from the protocol and policy that the DEP has set for excavated materials at unlined landfills. Mass Highway has determined standards when material is taken from the Central Artery - each load is tested at the lab and each 1,000 cu yds is tested at the source. Mr. Dalton asked what if they find that dumped soil has been contaminated. Mr. Fogel said that can't happen - that each 1,000 yds is separated and tested before it is hauled off. Mr. Dalton commented that they're hauling it here and we have to live with it. Mr. Fogel said there is no purpose to Mass Gravel spreading contaminated materials throughout the State, that Mass Gravel is more responsible than the Town if there is any contamination, but we do recognize the BOS concerns.

Mr. Lawlor asked what they anticipate for traffic. The engineers have evaluated the situation and may ask to go round the clock. Their study shows there would be no holdups at intersections and only possible backup at the existing site. Mr. Duffy told the Board that the peak hourly traffic would be 19 trucks per hour entering and exiting, which would add 2 - 4% extra truck traffic to the area.

Mr. Lawlor asked if the Board of Health has questions.

Chairman Dr. Paul Canniff said his Board met with Mass Gravel two years ago and asked them to apply for a Site Assignment and we have testimony that this has never been a landfill. We have questions re contaminants. Board member Doug Hausler asked how many other sites is Mass Gravel operating from and Atty. Fogel said none, only the Central Artery although their agreement with DEP would allow other fill if it meets DEP standards.

Board member Peter Dulchinos said our concern is that the Town of Chelmsford is best protected and if we all work together that should be achieved.

Bob Greenwood spoke, saying he is not speaking as a Conservation Commission member, and that a letter had come from Mass Gravel two years ago stating that there would be petroleum and some metals in the fill. In the 1930's and 40's it was strictly sand and gravel and there was no landfill there in 1950. He hauled sand and gravel until 1990 and there was never a landfill there, only debris from the Lowell Landfill. He fears that the fill will contaminate our wells - we'll have trouble if they dump here.

Attorney Fogel responded that this wasn't done quietly - we recently made arrangements with the owners and we recently learned that we could drop Big Dig fill here. The way the State's program works is that their licensed experts make decisions about the management of these materials. When we talk landfill no one disputes that this area was not landfill - there are veins, solid waste and construction waste across the site. We're interested in protecting the water quality and the waste does not affect Deep Brook.

Mr. Lawlor said that dumping preceded an opportunity for this Board and the public to give input. Attorney Fogel said that we've been in contact with the Town Manager and Town Counsel for 6 - 8 weeks and were pressing for hearings during August. We were making efforts to come before you. Mass Gravel was under contract to begin last week.

Ms. Gates said the BOS has the same goal as the Board of Health - to do what's best for the Town. Mr. Dalton asked Mr. Fogel if he attempted to let the Town Manager and Town Counsel know that the dumping was starting last week - you started off on the wrong foot. Mr. Fogel said he believes the Town knew that Mass Gravel had DEP permission and that there has been a lack of communication. Our attempts to contact the Town were 100%.

Dr. Weisfeldt asked is there no permissive process - you started dumping without our permission. Mr. Fogel said that we had State formal approval and wanted informal arrangements with the Town. We sent a letter to Town Counsel over a month ago. Bob Greenwood asked is this process going to be within 100 feet of the Wetlands and Mr. Fogel said No.

Mr. Dalton then asked the BOS to vote on the policy he brought up at the last meeting that all Town-owned vehicles have Town seals except undercover police vehicles, and many Town residents feel the same way. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, that the BOS adopt his policy "it shall be the policy of the Board of Selectmen to require all Town-owned vehicles to have the official Town seal affixed to them. This shall not include undercover police vehicles."

Dr. Weisfeldt said he's comfortable with the policy adopted on July 26, 1993.

Mr. Eliopoulos said there may be situations in the future when we want other unmarked vehicles. We can't make a broad policy like this just for undercover police vehicles.

Ms. Gates said she agrees the policy we have now serves our purposes: "It shall be the policy of the Town of Chelmsford that any Town-owned vehicles used by employees during the work day must be garaged at the place of business, must have the Town seal and department displayed prominently, with exceptions to be granted by the Town Manager, with an annual report to the Board of Selectmen." We granted the Town Manager an automobile for his personal use, a perc of his employment.

Mr. Lawlor said he remembers the discussions when this vote was cast. If we have a problem in a month from now, we can look at it again.

Mr. Lynch said it is unfortunate that he's become the center of this. We have a number of employees we expect to be on call 365 days a year, not only chiefs and detectives. WE have 60 or 70 vehicles, and only a handful are not marked. He urged the Board to keep the current policy.

Mr. Dalton said he is not going after the Town Manager but the Board voted to give him his car and he thinks he should have a seal on it. Dr. Weisfeldt said that personal use does not mandate a seal.

The vote on Mr. Dalton's motion was 4 against, 1 in favor (Mr. Dalton).

At 9:00 pm motion by Mr. Dalton. seconded by Mr. Eliopoulos, to adjourn to Executive Session to discuss potential litigation and acquisition of real property. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Adrian E. Carter

Town Clerk

97 OCT 21 PM 3:34

Regular meeting of the Board of Selectmen held Monday, September 22, 1997 at the Cable TV Studio at the Parker School. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present.

Ms. Gates said that the Board is meeting here because we want people to be award of the studio at Parker, and asked Kelly Beatty of the Cable 43 Foundation to speak.

Mr. Beatty thanked the Board for coming and said we're proud of the facility which is run by a non-profit Cable 43 Access Foundation. The station is funded partially by access fees charged to each cable subscriber.

Mr. Beatty showed a video program and said that they are now operating two channels and are ready to start a third. A donation from Avid Tech is helping in funding one of the three studios. Cy Locke is responsible for this studio A. There is still an active studio at CHS and Mike Theo, Ann Bryant and Tom Peterson have rehabbed the McCarthy studio, which is there for middle school students use. They will be having an Open House for the Community and one studio is for the express use of Town residents.

Mr. Eliopoulos asked about the third channel agenda and was told that there are 3 types of channels: Public (P) which is a variety; Government (G) - meetings, etc. and Educational (E) - courses given by colleges, etc.. WE currently have channels 10 and 22. Mr. Lawlor commented that when he went to school here in the early '70's this was a studio, but the changes have been phenomenal.

Ms. Gates then presented a certificate of appreciation from the Board to Norman C. (Cy) Locke thanking him for his service as a member of the Cable TV Advisory Board since 1981 and his dedication in getting this studio completed.

Mr. Locke thanked the BOS and said that this award was earned by all the people on the Commission and Foundation. He also thanked his wife and teacher Homer Ditmeyer, a true visionary who conceived the idea of educational TV and said that it had to be a Town/School operation.

Mr. Dalton read a Proclamation for the Chelmsford Women of Today week, Sept. 21 - Sept. 27, which was accepted by Marilyn Curry who said they are looking for new members.

Mr. Dalton then read a Proclamation for Fire Prevention Week - October 5 - October 10 - "Know When To Go". The Proclamation was accepted by Fire Chief Jack Parow who said that there is an Open House at the Center Station on Sunday, October 5 from 11 am - 3 pm and they do demonstrations and present Heart Saver Awards. Last year they had 300 - 400 people. The men also spend time in the schools and kindergartens.

During Open Session Bill Griffin, Precinct 2, thanked the BOS for the Southwell Field Fundraiser and gave them a letter re the rail traffic situation in Vinal Square. He had 3 requests: 1. the repair work at the Wellman Avenue crossing - there was no the proper notification or barriers set up; 2. the railroad is scheduling the longest trains during commuter hours; and 3. cars containing hazardous waste. He said he is

asking for the BOS to help in working with the railroad and schedule long trains during off peak hours.

Mr. Lawlor asked Chief Parow if they have any protocols in place with the railroads re crossings, and Chief Parow said they have worked with the railroad not to block the exit. There are chemicals mixed on each train, but not all on one train in case of an incident. If there should be an incident we have Hazardous Materials teams in both Lowell and Chelmsford but the trains never have an exact schedule.

Ms. Gates said she believes that Walter Hedlund has developed a plan and Mr. Lynch said that every Town has an Emergency Planning Committee. We have a very well written plan and the Chief and Mr. Hedlund are spurring regional efforts.

Mr. Lynch said that work has been done on the crossing there, and one of the Williamsburg Condo Associations took it upon themselves to do work at the crossing and had to shut down at one point. The people adjacent to the crossing have in their deeds the right to cross railroad lands - Courier Citizen, Lighthouse School and the two Williamsburg Condo Associations. The work will be placed on Hold until October 13, when the Lighthouse School will re-route traffic through their emergency access road.

Mr. Griffin asked to have their larger trains go out at night and Mr. Lynch said he will contact them but railroads are controlled by State and Federal regulations and longer trains will also affect other communities along the way. Our trains are shorter than in other parts of the country.

Dr. Weisfeldt asked who is doing the repairs on October 13th and Mr. Lynch said it will be paid for by property owners, the two condos, Courier and Lighthouse. When the Town accepted the road, the crossing couldn't be deeded - we don't own any crossings.

Jim Toscano, Williamsburg II Property Management, said that B & M is paying a substantial amount of the cost, and Ms. Gates said that Lighthouse, Courier and the 2 condo associations all have to grant us the right to pass over the crossing. Dr. Weisfeldt asked if this is satisfactory to the owners and Jim Toscano said that we have found that the Town has no responsibility for the crossing - the 50 length is in the B & M Right of Way. He added that B & M generally likes to see these as public ways, nor private crossings but this is not the case. Mr. Lynch said he is not sure if the others are public crossings - he thinks the Middlesex Street is private but B & M repairs it. He will check into this.

Peggy Dunn, Historic District CH, told the BOS that the Historic District got a grant from the Cultural Council and she showed illustrations done by Sheila Foley of certain houses within the district with different architectural styles. They would like to have prints made to sell to the public and would like to display the work in the lobby at Town Hall. Mr. Lynch said absolutely Yes.

Jack Scott, Mass. Electric Company, was present with a petition to place 2 3" electric conduits across Erlin Road to provide electricity to Decker Drive, an affordable housing project.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve Mass. Electric Plan E-757 on Erlin Road.

NVTHS Reps Mary Jo Griffin and Sharon Shanahan said they last met with the BOS in March or April and were here to give the Board an update on Nashoba Tech. Ms. Griffin said there is a lot going on with the new Superintendent - they have re-organized the administration and she hopes that the new organization will integrate NVTHS and the Chelmsford School system. They are trying to integrate their vocational and academic programs, and have reinstated the position of Dean of students so the teachers wouldn't have to do discipline also. They have brought the School into 1997 and the world of technology.

Ms. Griffin gave the BOS a handout on enrollment and Chelmsford still has 123 kids enrolled, with only Pepperell higher at 127. School Choice has brought in another 50 students, and Ms. Shanahan said that a smaller school appeals to a lot of students who feel it is a better learning environment.

Ms. Griffin said they are working towards block scheduling and have new and improved shops. She and Ms. Shanahan want to open the school as a conference center for meetings and utilize the conference room, restaurant and technology. The entire school has been re-wired for InterNet, and they have started a roof project under the capital improvement program.

They want to get NVTHS committee meetings on all the local television access stations and may have the meetings taped by students. They also want to start meeting in the various Towns.

Ms. Griffin said that they still do Community Service projects - housebuilding, i.e. but now offer the Towns the chance to submit lists of projects and Chelmsford has submitted 6. The school chose as a project for Chelmsford to build a sunroom at the Senior Center. Ms. Gates asked for copies of the site selections and ratings from the NVTHS Committee, to compare.

Dr. Weisfeldt asked if there are new positions and how are they budgeted, and Ms. Griffin said that positions have been re-defined and integrated. She said that many students go on to college and can take SAT's. Ms. Shanahan said that more than one-half of tech school students go on to college the idea of voked is changing.

Mr. Lawlor asked if they are satisfied with the Chelmsford students present and Ms. Griffin said we would like to see more. We have 574 students and the building can hold 800 - they are focused on becoming more visible.

Mr. Lynch said that in the final budget Chelmsford went up by \$16,000 and Ms. Shanahan said this is a reinstatement of what the Cherry Sheet shows, and not an increase in the total budget.

Under Town Manager Reports. Mr. Lynch said that they held the Dalton Road meeting with the Westlands residents on the sidewalk/road re-surfacing project and it was very productive, with app. 100 people. There was a lot of positive feedback when we told them we will deal with drainage issues, level off all roadways and put in sidewalks with curbing, which helps to control and slow down traffic. A number of

questions were raised and we have lowered the number of trees to be cut down, from app. 100 trees to 20+ to be removed and some are already dead. At the meeting were Mr. Lynch, Jim Pearson, Jim Stanford, Police Sgt. Frank Kelly and Selectmen Weisfeldt and Eliopoulos. Dr. Weisfeldt said the people were pleased that we held this meeting and congratulated Mr. Lynch for doing so. Mr. Eliopoulos said it was a great meeting.

Mr. Lynch then went over the draft of the Fall Town Meeting warrant, saying that he would have the completed warrant for October 6. Articles to be included are: 1. hear reports; 2. transfer \$250,000 into the stabilization fund; 3. reduce tax rate; 4. Board of Health Revolving Fund for Hepatitis B program for grades 7 -12.; 5. past due bills - \$1,380 for printing Town Meeting warrant; 6. Free cash to School Dept.; 7. budget amendment - collective bargaining agreements; 8. Free Cash to fund collective bargaining agreements and a one-time payment to School Dept. employees; 9. land on Park Place - a wet area next to the Chelmsford Country Club; 10. a sewer commission article; 11. double pole article passed in Wilmington and approved by the Attorney General; 12. town-owned land on Willis Drive; 13. increase revolving fund for police details by \$15 - 20,000 but not tie up money unnecessarily; 14. enterprise fund for Tully Forum. He will have an number by Town Meeting and an enterprise fund acts as a business - takes in capital and pays expenses. This is a start up fund and the Town will be paid back eventually. We are drafting an RFP for management firms. similar to the golf course.

Art. 16. - reserved; 17 - FinCom Reserve Fund - we will replenish up to \$150,000 Arts. 17 + are zoning related articles; 17. golf course to be allowed in public zone; 18. language for assisted living - this was prepared on behalf of the Town, not a developer; 19 uses not listed; 20. eliminate redundant signs and outdoor lighting; 21. Flood Plain districts to bring us into compliance; 22. Aquifer Protection; 23. lot areas - change from 80% to 90% dry; 24. amend number of parcels nor public (P); 25. correct error in zoning map - duplex houses not P but RC; 26. change zoning at 143 and 145 Littleton Road from P to RB (single residence); Arts. 27, 28 and 29 - changes in zoning; Art. 30 - Board recission article - money for handicapped appropriated but not issued - \$232,000.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the Town Manager's appointments to the Holiday Decorating Committee: Tink Nussbum, 112 Kristin Drive; Linda Harrington, 149 Boston Road; Ruthann Burnkinshaw, 23 Westford Street and Iris Larssen, 34 Elm Street.

Dr. Weisfeldt asked about a piece of Police Dept. equipment that they can move around to monitor speed. Mr. Lynch said this is an educational tool so people will know how fast they're travelling. We now have one and want to step up enforcement - the economy has improved and there is an increase in the overall traffic.

Ms. Gates asked where are we in codifying Town by-laws and Mr. Lynch said we hope to go out for RFP's when we amend the budget.

Ms. Gates said that when we negotiated the contract with Media One, there is a provision that allows us to have a Performance Review Hearing within 60 days of the anniversary date, Sept. 28.

Motion by Ms. Gates, seconded by Mr. Dalton, unan. to hold a Performance Review Hearing on Media One as provided in our renewal agreement. The Town Manager will set it up, check the contract for whom to notify and do a lot of publicity.

Mr. Eliopoulos said that re speed in Town, a few years ago we had a special traffic unit. Mr. Lynch said that Chief McKeon set this up and it was paid entirely out of overtime. Chief Caron set up a new Traffic and Safety Unit which Sgt. Kelly heads up. We now have 3 or 4 officers and hope to increase the unit by 50%.

Mr. Eliopoulos said that barriers are set up at Rte. 27 and Chelmsford Center but people are still using 2 lanes, not 1, from Rte. 27. Mr. Lynch said that the island calls for one lane for 30", then merging again. This was done in June but we will extend it out further.

Mr. Eliopoulos noted that the loam at Proctor and Park Roads was spread today and thanked the Town Manager.

Dr. Weisfeldt said he thought Chief McKeon's traffic unit was paying for itself, and Mr. Lynch said we have been able to put and keep that unit in place. All patrol officers do enforcement, and we also do more accident reconstruction.

Dr. Weisfeldt asked how the Tully Forum legislature has progressed - ten days ago it was coming out of House Counsel. Mr. Lynch said it is supposed to be on the Fast Track.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to grant a one-day Beer and Wine License to St. Mary's Church for October 17th.

Dr. Weisfeldt said he had no reports.

Mr. Eliopoulos said that Jim Good was elected Treasurer of NMCOG. He noted that the Carl Olssen Track and Athletic Field Fundraiser is being held on Friday, Oct. 24 at the Elks.

Mr. Dalton commented about the sound system in Room 204 at Town Offices - residents say it is hard to hear at home.

Tom Peterson, Cable 43, said that the sound and screen flickering is a problem with the signal quality was a Media One problem and it took a month to get it fixed.

Mr. Dalton asked where are we with the Children's House and the Library and Mr. Lynch said we're still working out the logistics, and the Library needs until the middle of December.

Mr. Dalton asked about double poles and Mr. Lynch said there are no new reports.

Mr. Dalton said that the Traffic and Safety Committee will be meeting in October. The Cemetery is talking about improvements at the various sites.

Ms. Gates asked about people using their vehicle as a domicile, and Mr. Lynch said it is still with the Board of Health on sanitary issues. He will check on the matter in the morning. Ms. Gates said what about a zoning by-law change or addition, like Westford, and Mr. Lynch said he thinks theirs was for unregistered vehicles.

Ms. Gates said there was another meeting of the Bike Path Advisory Committee

but no Public Hearing date has been set.

She asked Mr. Lynch about sewer crossings and additional parking, and Mr. Lynch said he is meeting with the Center property owners now and will have a report by early November. Andy Sheehan is also involved, but it won't impact directly on the Bike Path.

Ms. Gates asked re Glenview Sand and Gravel. the public wants to have our own experts explain to the people what's going on. Mr. Lynch said consultants will be available at upcoming meetings.

Mr. Lawlor said for those who have read about Glenview Sand and Gravel, we don't want you to think that the Board and the Town Manager are not taking action. Two weeks ago the Board voted to file an appeal with the DEP and this has been done. The Board met last Monday in Executive Session and we're following the matter very closely and a meeting was held today. Ultimately you'll all know what's happening.

Mr. Lawlor said he is speaking for the whole Board when we send our deep condolences and prayers to the family of Billy Taylor, who died last week in a car accident.

At 9:10 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn to Executive Session to discuss pending litigation and acquisition or real property. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Julio E. Cant

Town Clerk

97 OCT 21 PM 3:34

Regular meeting of the Board of Selectmen held Monday, October 6, 1997 at 7:00 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos and Susan J. Gates. Dr. Stuart G. Weisfeldt joined the meeting at 8:30 p.m. Town Manager Bernard Lynch and his assistant John Coderre were also present.

Chairman Lawlor called the meeting to order at 7:05 pm and told the audience about the moving ceremony which took place at 6:30 pm outside the Town Offices building. The late Selectman Tom Welch's family, friends and supporters unveiled a marble bench donated to the Town in his memory. The Board, in turn, presented Mrs. Welch and her sons with a memorial plaque noting Tom's many years of service to the Town.

Mr. Dalton read an Arts and Humanities Month Proclamation which was accepted by Cultural Council Chairman Susan Carmeris. Ms. Carmeris passed out a flyer detailing upcoming events.

Mr. Dalton read the Hunger Homeless Week Proclamation. Sandy Donovan, Director of The Food Pantry, accepted the proclamation, noting that this is the second year of this week, and that between 90 and 100 families per week come to the Food Pantry and 75% of them are people working but at low wages.

Mr. Lawlor read the Hospice Month Proclamation as requested by the Lowell Visiting Nurse Association, noting that the month of November is Hospice month.

Mr. Lawlor asked to hold approval of the minutes until the next meeting.

During the Open Session Gary Mathews, 19 Clarissa Road, spoke to the Board saying he had submitted a petition calling for a Special Town Meeting signed by 350 neighbors concerned about the crowded conditions at the South Row School. He said that some classes have 30+ students and music and art programs can't be done on the stage because a class is meeting there.

Mr. Mathews said that some 78 Towns in Massachusetts have leased or purchased modular classrooms to be moved where needed. The School Committee has the solution of the Center School but that's not soon enough for them. Companies could have 4 - 6 modulars in place within 6 - 8 weeks. This is a flexible solution to both short and long-term problems. He asked the BOS to support the petition.

Mr. Lawlor asked if this is a money article, and Mr. Mathews said yes, to transfer money. Mr. Lawlor suggested that he contact the Finance Committee because they have to recommend for or against the article. He asked if we are bound by the wording, and Mr. Lynch said yes, Town Counsel says it is in the appropriate form.

Under Town Manager Reports, Mr. Lynch presented an analysis of the Tully Forum project, stating that on December 5, 1994 Mr. Lawlor had asked him to check into the future uses of the Forum. He contacted U. Lowell and our state delegation. Last summer he was contacted by Chancellor Hogan of the University and told that they were moving out. He talked to Rep. Clevon and she filed legislation to pass the Forum directly from U. Mass. Lowell to the Town of Chelmsford. He said the ice rink business for municipalities is a positive one, not a huge money

maker but we will cover our costs. A point of comparison is the golf course, although the Forum is more costly for capital plans. The roof and ice making equipment are all in good condition but we need to set aside money for capital upkeep. If we invest 5% of the revenues we will be operating in the black. Billerica and the MDC rinks operate with a surplus. The Hockey Association and the CHS Hockey team will utilize the rink and other towns will rent space from us. We are planning on a 10 hour average day for 8 months of the year. We are having a more thorough inspection done by the Northeastern facility managers. We expect a legislative hearing in the next two to three weeks, and there is also an article on the Town Meeting warrant for start-up funds. We hope to take \$200,000 from Free Cash, to be repaid over a 10-year period. We need to buy some equipment.

How to operate? We will issue an RFP to find a professional management company, the same as the golf course. A portion of the revenue will go to the Town. We need 2 Zambonis, in case one breaks down, and are looking to buy or lease them from U. Lowell.

Ms. Gates commended Mr. Coderre for putting together such a comprehensive package. Mr. Lynch said that other staff members - Andy Sheehan, Jim Pearson, Holly Rice - all helped but John was the person who pulled the whole thing together. Mr. Coderre said that most rinks have a capacity of 500 to 2,000, but the Forum can hold up to 3200 people. Mr. Lynch added that this gives us much more flexibility for other events - tournaments, prep school and adult use. The downside is that it is a bigger buildings, and costs more to heat it. Other rinks use a sand base for their ice, but this is concrete, in excellent shape.

Mr. Eliopoulos said he thinks the numbers are very conservative, that we could make more profit. Mr. Lynch said we would take a share of the revenue, with a minimum. The Country Club gives us 12%, with a minimum of \$50,000 and another 8% goes into the capital budget, so they give basically 20% of their revenue to the Town.

Mr. Dalton asked when will we take ownership and Mr. Lynch said they're only booking the facility through Nov. 30th and then close the doors. Carol Clevon hopes to have the bill approved within the month so we could take it over Dec. 1st. We could have the RFP's out later this week, or early next week.

Mr. Lawlor said as a second alternative, we need some sort of internal back-up if we get no good response to our RFP. He would like to see the BOS get involved with the RFP since the time frame is really narrow and he doesn't want us to hastily enter into a contract with an outside vendor.

Mr. Dalton asked what do other Towns do and Mr. Coderre said of the municipalities he spoke with, 17 are privatized and a smaller number are operated within the Towns. It is easier for an outside company to be more objective and almost all rinks run them as an enterprise fund.

Mr. Lawlor said in crafting the RFP, he wants recreational uses by the Town to be discounted.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to authorize the Town

Manager to start sending out RFP's for the management of the Tully Forum if and when we do acquire it, and appoint Chairman Lawlor as the BOS liaison to look into both municipal and professional management. Mr. Dalton also commended John Coderre on the presentation.

Sheila Pichette, Precinct 4 rep. asked with the acquisition of the Forum are there any plans to fix the water problem on Brick Kiln Road, and Mr. Lynch told her that everything north of the Forum is Chelmsford.

School Committee member Tony Volpe said there is a problem with the school buses when it is rainy or wet on Brick Kiln Road.

At 7:45 p.m. Chairman Lawlor announced the Public Hearing on the application of Country Club Too, Inc., 67 Parkhurst Road, David J. Cunha, Manager to transfer the Wine and Malt Beverages license to an All Alcoholic Common Victualer license.

Attorney Dennis McHugh said this is the same facility as was presented to the Board last fall, and has been there as a billiard parlor since 1990. The facility was expanded by 3200 sq.ft. by adding space from the bottom floor in March, 1997 under the existing Beer & Wine license.

They had applied for an All Alcoholic license in December, 1996 but the BOS turned down the application on the advice of the Police Chief. Mr. Cunha has done extensive work with the Police Dept. and Chief Caron to comply with Police Dept. concerns, basically in the parking lot, and the Chief has now given a favorable recommendation to tonight's application. He is not requiring police details in the summer.

Mr. McHugh told the Board that Mr. Cunha's facility has been selected as one of three non-convention sites to host the Camel tournament. A full kitchen has been added.

Mr. McHugh said that he has one additional request - due to non-communication this hearing had to be postponed and advertised twice, and he is making a procedural request that that the Board consider waiving the two week period before voting on the application.

No one present spoke in favor of or opposition to this request.

Ms. Gates asked what they did as the result of the Police requests and Mr. McHugh said that Frank Roark had recommended a panoramic camera for the parking lot and also signage warning of police presence and that the premises was under surveillance. The parking lot is only for use by people inside the building and the outside activity has quieted down. Surveillance of the parking lot was the only consideration, not the interior. Mr. Lynch noted that there has been a dramatic decrease in calls for service.

Mr. Dalton said that Mr. Cunha has done a great job, and asked what hours he is looking for and he said 11 am - 1 am. Mr. Eliopoulos said he has talked to Mr. Cunha and it is a nice facility and he has done what the Chief asked. Mr. Lawlor said it is a remarkably well kept facility, with great attention to detail.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to grant an All Alcoholic Common Victualer's license to Country Club Too, Inc. with hours from 11 am to 1 am. Ms. Gates asked about security matters and Mr. Lawlor said this is not needed on the license. Ms. Gates said if we don't have any "hooks" we have no way to control what happens then. Mr. Lynch said there is the issue of public safety as with any establishment and the BOS as the licensing Board has the right to hold a hearing for any violations and take appropriate action, including disciplinary action and/or revocation.

Mr. Lawlor then voted to amend the license approval motion by adding " and shall furnish detail as may be required respectively by the Police Chief or the Board."

Vote on the amended motion was 4 - 0 (SGW not present) in favor.

The Board then met with James Kohler of Sanders, a Lockheed Martin Company who has purchased the Frequency Sources site in South Chelmsford. Mr. Lawlor said that the site is on Maple Road, adjacent to Agway and used to be owned by Frequency Sources. Sometime in the past there was leakage or release of hazardous materials on the site, and reps of the company have periodically reported to the Board of Selectmen.

Mr. Kohler said that two years ago Lockheed Martin acquired Frequency Sources, a division of Loral, and FSI dissolved on June 29, 1997. Sanders thought it was time to tell the BOS what they've done. They've applied for a Tier II re-classification site and the contingency plan requires different clean up levels for different types of sites.

Mr. Kohler showed a series of slides, and said the contamination was found in 1987 after the DEP ordered Frequency Sources to drill monitoring wells to see how much of the chemical TCE, which was used to clean circuit boards, had seeped into the ground. Today three of the company's eight monitoring wells are bringing up clear groundwater and the rest are showing TCE levels of an average of 300 parts per billion, compared to 3,500 parts per billion that were found in 1990. David Lang, licensed professional site engineer, said they will continue to pump wells and clean it until all levels are below 300 parts per billion. They may now be close to clean up standards. They would like to come back before the BOS in 3 or 4 months to evaluate the system's effectiveness and see if any rebound occurs.

Mr. Lawlor asked Mr. Lynch what does the Town do and Mr. Lynch said that the Board of Health is ultimately responsible and the Board monitors the situation with DEP. Mr. Lang gives all his correspondence on the site to the Town. Ms. Gates asked if the same materials are used at the site as in 1987 and was told that circuit boards are no longer produced there - the facility is now an assembly of micro wave parts. Under the Mass. Contingency Plan of 1993 this is a groundwater 2 area, people in the area don't use groundwater because they have a municipal supply. Mr. Dalton asked what if they have a rebound with the system turned off, and Mr. Kohler said if there are no contaminants, we can keep them shut off, but if contaminants are still there we will turn them on again.

Mr. Lawlor commented that he has been on the Board for 6 years and knows that

the neighbors are very interested in this site and also the Town because of 1. Byam School is closeby and 2. Center Water District has drinking water wells nearby.

Mr. Lynch then continued under Town Manager reports. He met with Mike Donahue, Chelmsford Little League, and Little League did the work replacing the infield at Roberts Field. Boy Scout Troop 77 made improvements at Friendship Park and the Skating Pavilion. Little League is currently working at the Strawberry Hill Ballfield with the DPW. Little League will put down a whole clay infield and the DPW is putting up the fence and working on the parking area. Little League hopes to put in bleachers and is putting in close to \$10,000 worth of work; however, the field is not for their use exclusively.

Dr. Weisfeldt arrived at the meeting at 8:30 p.m.

Ms. Gates had brought up the matter of the Cable Performance Review Hearing at the last meeting and it is now scheduled for November 5, 1997 at 7:30 p.m. We want to have it advertised in local newspapers and on local Cable television and ask for any feedback residents have re cable TV service.

Mr. Lynch said that Town Meeting starts on Monday, October 20th and he is holding his prep session with the TM Reps on October 15th at the Senior Center.

Mr. Lynch told the Board that deregulation of the electric industry is coming soon, and is an opportunity for municipalities to help residents and businesses. Towns can assist in getting information out and sometimes get better deals for residents. MMA is taking an active part and deregulation was also discussed at the ICMA Conference. Deregulation will probably occur next spring or summer and the Town doesn't have to do anything. He will come back to the BOS with how we can service the Community.

Mr. Lynch said that re the Central Square situation, he has been meeting with merchants and property owners. He has been getting feedback from financial institutions and merchants, and they want to contribute to re-vitalizing the square. The staff has been working on this, as well as an economic development firm. Mr. Lynch asked Mr. Eliopoulos and Ms. Gates to participate in strategy sessions.

Mr. Dalton asked for an update on the Chelmsford Country Club and Mr. Lynch said that he will report on the final figures in the near future. It has been a very good year for the Club, with the last numbers Sterling has provided play is up 16% and junior play way up. As for improvements, they have put in a new hole and an irrigation system with funding from both Sterling and the Town. We're getting app. \$66,000 per year from Sterling and they take all the risks. Most investments are made by Sterling - some by the Town.

He will have end of the year figures in January. Mr. Lynch continued that it is most important that we continue to receive money coming to the Town - we will pay back our total \$1,000,000 investment in 7 years, which is good for the Town.

The BOS then discussed the Town Meeting Warrant. Mr. Lawlor said since Mr. Lynch had led them through the articles at the last meeting, we should vote to post it. Mr. Lynch told the BOS that one article has been added - Art. 31, to acquire land in Vinal Square for recreation, and land on Ledge Road to save it from development and preserve open space. The total cost is just under \$1.1 million and we hope to work out a non-cash transaction by eliminating owner Ray Carye's tax receivable.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to post the warrant for the Fall Annual Town meeting for October 20, 23, 27 and 30.

The Town has received a petition to call a Special Town Meeting for Thursday, October 23 at 7:45 p.m. Town Meeting could go three nights. Mr. Lynch read the petition calling for raising money for temporary housing due to crowded classrooms. He said that we can't change the article once it has been submitted, and this article provides for housing, not staff. The school budget has increased in the Town Meeting budget, and typically an article of this sort would go before Capital Planning.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to post the warrant for the Special Town Meeting for October 23rd at 7:45 p.m. at the Senior Center.

Under Selectmen Reports/Referrals, Dr. Weisfeldt reported that at the second meeting of the Center School Building Committee it was decided to hire a Clerk of the Works and to have the school on line at the end of 1999.

Mr. Eliopoulos reported that at the Planning Board meeting Andy Sheehan explained the zoning articles and they will vote their recommendations on Wednesday night. He said that the Finance Committee voted recommendations for all the articles on Thursday.

He reminded the audience about the Carl Olsson Project Fundraiser for the Dedication to be held at the Elks on October 24th.

He asked if there is anything on the Children's House and Mr. Lynch said we are still looking at possibilities, and maybe salvage companies. Mr. Eliopoulos said he hates to see it torn down.

School Committee member Tony Volpe said he understands the building was donated to the Town by Dr. Scoboria and asked if Mr. Lynch has talked to George Simonian about the alumni taking the building. Mr. Lynch said they had expressed an interest in the Carriage House, but had no place to move it.

There will be a speaker on the Big Dig project here on Wednesday night. Mr. Dalton asked where do we stand with Glenview Sand and Gravel, and Mr. Lynch said the Weston & Sampson engineer tested ten samples on Thursday am, and we hope to hear the results by next Wednesday.

Ms. Gates said that the Cable Memorandum of Understanding needs to be extended for 6 months, and Mr. Lynch said he will have this for the Oct. 20th meeting. Ms. Gates mentioned that there will be an Open House at the Parker TV Studio on Oct. 9th, with simultaneous ribbon cuttings at 7:00 p.m. Avid High Tech has donated a \$52,800 editing system in memory of Paul Ahearn. She has had more

calls re the cable provider than on any other issue, and said that John Coderre has the patience of a saint for spending so many hours on calls.

Ms. Gates said that at the last meeting she had asked Mary Jo Griffin for information re the rating of projects at NVTHS. She believes that's public information and she wants to see it. She asked Mr. Lynch to find out if it is indeed public information, and if not, she will put in a formal request to review the rating of projects.

Mr. Lawlor reported on the subcommittee of the Performance Review of the School Dept., noting that reps of the outside auditing company are on the premises at Dr. Moser's office and will be meeting with accounting to set up schedules and timing. We hope to have useful information by the Spring 1998 Town Meeting.

Dr. Weisfeldt congratulated John Coderre on his recent marriage.

At 9:05 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan., to adjourn the meeting.

For the Board of Selectmen, by

Julie E. Carter

Town Clerk

Regular meeting of the Board of Selectmen held Monday, October 20, 1997 at 6:30 p.m. at the Senior Center. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard F. Lynch was also present.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the minutes of Aug. 25 (Reg. & Ex.); Sept. 8 (Reg. & Ex.); Sept. 15 (Ex.); Sept. 22 (Reg. & Ex.) and Oct. 6 (Reg.).

Town Manager Lynch said he had no reports, but has made an appointment - Stephen Dumas, 8 Poulten's Green Way, to the Recreation Commission for a one year term. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the appointment.

Mr. Lynch said he also has a contract award for a truck/sander for the Highway Dept. to Taylor and Lloyd in the amount of \$76,634.00. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve this award.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve a Roadside Vendor's license for Chelmsford Little League to sell Christmas trees at the Little League fields on Route 110 from Nov. 29 to Dec. 24, 1997.

Mr. Dalton said that when Nynex was putting in telephone poles down Route 4 to the Rotary, they left 3 unusable poles near Northern Automotive, 374 North Road. He asked that the Town Manager's office call Nynex to have them taken away.

Mr. Lynch then gave the BOS an update on the Tully Forum, noting that Senator John O'Brien from Andover put the push on late last week. Rep. Cleven called to say that new language was put in the legislation that the Town could never sell the building. Sen. O'Brien has no problem with Chelmsford getting it - they had wanted it on a regional basis because Andover wants to use it and the Town said nothing specifically for the Town of Andover. U. Lowell will put in two Zambonis, scoreboards and nets.

All non-profit groups have the right to keep their ice time and the first right of refusal for extra ice time goes to Chelmsford and then to youth organizations. In the future, if someone rents prime time he will also have to rent non-prime time. We guarantee that we will keep the rink and the land associated with the rink for parking but the other 17 acres could be sold off for whatever use.

Mr. Lynch said this is a real gift and we shouldn't ask for more than we're getting - a \$2,000,000 state facility for nothing. We have worded the language to protect the Town and our flexibility. The bill has to come out of Committee on Thursday.

Mr. Lawlor commented that the language is awkwardly drawn and he wants sunset provisions - that the covenants shall lapse after 3 to 5 years. He asked Mr. Lynch is a sunset clause "do-able" and the Town Manager said that Andover doesn't trust us and other people who use the Forum wouldn't like it. This is what we have to live with - we can change pricing and there is already a multi-layer fee structure. The equipment is worth \$100 - \$120,000 and we should leave the article as is.

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At 6:55 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn to Executive Session to discuss collective bargaining and Glenview Sand and Gravel. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

At 7:25 p.m. the Board returned to Open Session and on a motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. adjourned to Annual Town Meeting

For the Board of Selectmen, by

John E. Carter

town clerk

Meeting of the Board of Selectmen held Wednesday, October 29, 1997 at 7:00 p.m. at the Senior Center. Members present were: Peter V. Lawlor, William F. Dalton and Philip Eliopoulos. Selectman Susan J. Gates joined the meeting at 7:30 p.m. Town Manager Bernard Lynch was also present, as was Town Counsel John Giorgio, Board of Health member Douglas Hausler and Director of Public Health Richard Day.

The purpose of the meeting was a Public Hearing called by Mass Gravel to discuss the Big Dig operations at the Glenview Sand & Gravel site in Chelmsford.

Chairman Lawlor opened the meeting at 7:10 pm and said that DEP had approved Mass gravel to dump fill from the Big Dig site in Boston. The interim site grading plan was for 75,000 cubic yards and the final grading plan for 750,000 cu. yds. Mass Gravel has to hold a Public Hearing before any more fill can be dumped and the Town is considering entering into a Host Community Agreement with Mass Gravel. The first component - 75,000 yds, has already been delivered. The Town has done testing at the site on materials already brought in, and so far it is absolutely clean.

Mr. Lawlor then introduced Barry Fogel, counsel for Mass Gravel, Pat Hannon, President of Mass Gravel and Daniel Duffy, their engineer from Camp. Dresser & McGee.

Mr. Fogel said that Mass Gravel is working to restore the Glenview property, which has a long history of both a sand and gravel and solid waste operation. Two years ago Lowell was required to excavate solid waste from the site to the Lowell landfill site. The DEP thinks this is a viable project if Big Dig fill could be used to fill and cover and grade solid waste landfills which would then be capped and re-graded. Glenview Sand & Gravel company couldn't afford to bring in enough sand and gravel to bring the site back up to grade.

Mr. Fogel continued that the fill material is tested by the Mass Highway Dept. which has a long history of testing and sampling. Testing is done in Boston and again before re-use. This material is not considered waste by DEP, and can be used safely in landfill closures. This will improve the status of that site. We have a Soils Management Plan and will only accept soils at the standards DEP has set. We are working with the Board of Health and routes, hours, etc. in the Host Community Agreement. There is considerable expense to Mass Gravel but they can offer a Host Community fee to the Town.

Mr. Fogel continued that there are three site plans - existing, interim and final. The interim plan shows 10% of the final amount, or 75,000 cu. yds. It takes 20% more soil on the truck than when it is spread on the ground so there are still 16,000 yards left for the initial interim grading. They won't dump more than 75,000 cu. yds without the Host Community Agreement. Mr. Fogel asked if there are any general questions and there appeared to be none.

He then showed the three plans:

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1. the existing plan, saying that there is no activity near the drinking water wells, and that there is some waste material on the ground from Colonial Gas;
2. the interim plan - Engineer Daniel Duffy showed the land adjacent to the Lowell Landfill and the Berkshire apartments with very shallow grades, and said that the truck access route is off Westford Street;
3. the final plan - Mr. Duffy said we still have to resolve one parcel with Lowell; the peak elevation will be 160', which matches the plateau of the Lowell Landfill, with 5% grades and two storm water drains. They will use the excavated material from the Central Artery to close the landfill.

Mr. Dalton asked where were the alleged landfills on the property and Mr. Duffy pointed out dots on the plan where the test sites were dug. 80 - 90% shows landfill materials. Mr. Dalton asked what is the height of the fill, and Mr. Duffy said 140 - 160 feet.

The types of trucks are 18-wheeler trailer drop trucks with a capacity of 15 - 20 cu. yds, with 1 1/2 - 2 tons per cubic yard or 30 or 40 tons per truck. There are app. 20 trucks per hour down Drum Hill Road to Westford Street to the site. The hours are from 7 am to 5 pm, or 200 trucks per day. With 4,000 cu. yds. per day that means app. 200 days of weekday operation. The fastest could be only 10 months, but DEP has allowed them 3 years. It will probably take 10 - 16 months.

Once the fill is in place there will be 1 1/2 - 2 feet of clay on top of the fill, which exceeds the permeability test. There will be a 1 - 2 foot sand layer to draw out water and either a 4 inch loam layer or hot top. There will be 3 - 5 feet of material on top of any excavated material.

Sel. Susan Gates arrived at 7:30 p.m.

Mr. Fogel said that he is impressed with how quiet the equipment is - that noise mitigation comes from modified hours, quieter equipment and working away from buildings. They have no development plans for future use of the site - all applicable zoning and permits must be met.

Marianne Paresky, 10 Smith Street and Town Meeting Rep from Precinct 6, asked what will happen to Black Brook? over the years Glenview has been filling it in and there is more flooding now on Smith and Stedman Streets. People are having trouble selling their homes in this area. She asked what is going to happen to Black Brook in this project?

Mr. Fogel told her nothing will happen, that over the years Glenview has enlarged the brook and did some excavation. Ms. Paresky showed on the map that the part that goes under Route 3 is the specific area, that the water does go down the hill but not fast enough and there is no longer any egress out of Glenview for Black Brook. Mr. Fogel will talk to her about those concerns after the public hearing.

Daniel Duffy explained that the 100 year flood plain goes around the pond on the property and we do not fill in that area. There is substantial improvement in storm

water control and capping the site can reduce storm water flooding.

Ms. Paresky said that 15 years ago there were rushing brooks coming from the Glenview property and she is concerned that Black Brook doesn't go to the Merrimack River the way it used to. Mr. Lawlor commented that there has been some work with the City of Lowell along Pratt Avenue, 7 or 8 years ago.

Ms. Paresky asked the BOS and the Board of Health to keep an eye on Black Brook, and said that it is hard as a resident to know who to report a problem to when something happens. She said there is no recourse for the homeowner, that over the past 20 years Black Brook has disappeared in Glenview land. New homes on Stedman Street weren't in the Flood Plain when first built, but now are. Mr. Fogel told her that is why they designed the project to stay out of the Flood Plain.

Mr. Fogel discussed the problem of cyanide found in the three wells closest to the Lowell Landfill. The water tested positive for cyanide, exceeding the .01 milligram per liter considered safe by the State DEP. They will test the surface water in the pond and then the wells. They are doing tests for the DEP when boxside is taken away by Colonial Gas. Mr. Fogel said that they have inherited data from Colonial Gas and the City of Lowell and there is no obligation on the part of Mass Gravel but they are taking responsibility for other people's problems. Mr. Fogel showed on the plan where areas of cyanide have been detected and the area of concern is away from the brook and level 2 drinking water wells. A question was asked will that area be further studied and Mr. Fogel said Yes.

Mr. Lawlor asked if in their dealings with the DEP has Mass Gravel posted a bond and Mr. Fogel said Yes, they have Financial Assurance with the State, so that the State could come in and cap if Mass Gravel fails. Mr. Lawlor asked if the rights with DEP are assignable and Mr. Fogel said he doesn't think so.

Atty. Giorgio has drafted a Host Community Agreement between the Town and Mass Gravel which sets additional conditions and requirements on Mass Gravel - hours, number of trucks, noise complaint procedures and the Host Community fee that Mass Gravel will pay to the Town.

Mr. Eliopoulos asked that it include future testing of materials, and Mr. Giorgio said that periodic testing is done in Boston at Subaru Pier, and when the material is brought to the site we will test it on a random basis. Mr. Fogel said that if any soil does not test clean, Mass Gravel would work with Mass Highway to remove it. Mass Highway would be responsible for any contaminants.

Mr. Eliopoulos asked what is the cubic yards of clay fill to cap the site, and Mr. Fogel said 75,000 cu. yds. Mr. Giorgio stated that the Town has retained Weston & Sampson and Mike Scipione is here. They are setting up technical support for the Town.

Atty. Douglas Hausler said that the Board of Health wants the public to know that members of the Board of Health have actively worked with the BOS, Town Counsel and Mass Gravel, and Weston & Sampson has monitoring activities going on.

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Ms. Paresky asked if this area is included in the area where they're considering widening Route 3. Mr. Lynch said that a portion of the property will be taken on both sides for construction only, and he doesn't think it goes into the project area. Ms. Paresky said that Black Brook needs to be considered in the widening of Route 3.

Mr. Dalton asked if Mass Gravel has given their truck drivers a route to follow, and Mr. Fogel said Route 3 to Westford Street to the access. Mr. Dalton said he has seen them going down Technology Drive - they can come out of the pit, then turn left on Parkhurst Road and then down Technology Drive. Mr. Fogel said if he observes this again, please record the event and the time and let us know - there are no alternative routes for bringing material to the site.

Ms. Gates said she has had calls from people saying they've heard trucks at 2:00 am, and trucks have been seen on Parkhurst Road. Mr. Fogel said they are not Mass Gravel trucks at 2:00 a.m.

A question was asked - how wide will they make Route 3, and Mr. Lynch said the plan is 3 lanes in each direction.

Mr. Eliopoulos said that this is a two-fold issue: 1. that the soil is clean, and 2. to protect the residents and commercial zone around Drum Hill - the Host Community Agreement will address these concerns.

Mike Scipione, Weston & Sampson, said that he has reviewed the documents and test results, and all are in accordance with what they've told the Town.

At 8:10 p.m. Mr. Lawlor closed the hearing.

The BOS then held a short meeting for other business.

Mr. Lynch read a letter from DPW Director Jim Pearson re a Membrane Roof for the Highway Garage. He is awarding the bid for the roof to Gibson Roof in the amount of \$24,000. They were second low bidder but first qualified. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the bid award.

Under Other Business, Mr. Eliopoulos said he has received calls re the sewer project - when is it going through their neighborhood, taking easements, etc. - he feels there is not much Public Relations before hand about what is happening. Mr. Lynch said he will talk to the Sewer Commission about it, that he also has had a few complaints.

At 8:20 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, to go in to Executive Session to discuss pending litigation and real property. Roll Call vote was as follows: WFD-Aye; PME-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Carter

Meeting of the Board of Selectmen Wednesday, November 5, 1997 at 7:30 p.m. Members present were: Peter V. Lawlor, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Selectman William F. Dalton was at a County Selectmen's Meeting. Town Manager Bernard Lynch was present, as was the Town's Cable TV Counsel Peter Epstein.

Mr. Eliopoulos read a proclamation stating that Veterans' Day will be celebrated on November 11th in Chelmsford. Assistant Veterans' Agent Regina Jackson accepted the Proclamation and invited everyone to attend the Ceremony at the Veterans' Memorial Park at 11 am on November 11th.

Mr. Lawlor welcomed everyone to the Media One Performance Review and read opening remarks. Mr. Lawlor said that Selectman Susan Gates would be speaking as the Board's liaison to the Cable TV Advisory Committee and she also negotiated the contract. He also introduced Attorney Peter Epstein.

Ms. Gates gave the reasons for the hearing, noting that within 60 days of the contract anniversary date the BOS has the right to evaluate Media One. Bob Carr addressed some of the complaints on August 25th, noting that there would be more customer reps and we thought the problems with customers here that night were solved. However, all Board members are still getting complaint calls re phone calls and the service residents are getting.

Ms. Gates continued that this is an opportunity for the public to speak out. She said that she won't speak about the technical aspects of the contract but it is our job to keep a good relationship between Media One and the customer.

Robert Carr, Manager of Government Affairs for Media One, then spoke saying that he did acknowledge on the 25th that there was a phone answering problem and said they were trying a recovery program with a new call system. He said that Mark Reilly, will confirm that much of what he said on August 25 has occurred, that people have a much easier time getting through, and that Ms. Gates story that a resident spent 4 hours trying to get through and 1/2 hour on Hold is not typical.

Director of Government Affairs for the Greater Boston Area Mark Reilly said that we have problems but have brought on an additional 150 employees over the last 8 weeks, and will add 50 more in the next 4 weeks. However, with an upgrade in service comes outages, and with outages come calls and new services also means calls. He handed out a prepared document - the Call Center Recovery Plan

Mr. Reilly said that Media One has seen the number of calls going up, that the talk time has doubled and they are trying to have customer care specialists. Mr. Lawlor asked how does that stack up industry wise and Mr. Carr said that these numbers are way off the chart. The number of calls is 40% greater and the length of time per call has doubled. We severely underestimated the number of people.

Ms. Gates said that they now provide I-Net access service, and how many in Chelmsford. Mr. Carr said 1 or 2% of the homes; if there are 13,000 homes in

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Chelmsford, app. 130. The number of services we offer on the channel lineup has increased the number of calls.

Mr. Lawlor asked for comments from the public.

Bill Poullos, 17 Balsam Drive, said every time he calls it takes two days to get through. He complained that 4 or 5 stations only sell products and there are a lot of murder shows. He is very upset with the contract - there is nothing about senior discounts - it is a rotten contract. Whoever did the contract should look at it. He went two days with no TV and no one told him that there was no charge for the two days. He feels there should be a discount for any outage over one day. He wants WPIX back.

Ms. Gates said she agrees with getting WPIX back and we have attempted to reinstate it. The BOS would like to have control over what is shown and the most calls she has had are about losing the Food Channel. She wants to see Media One respond = there was a senior discount in the contract.

Attorney Epstein said that under Federal law, the local authority has no right to tell them what to put on but he would hope that the company would respond. Bob Carr answered that re shopping channels, two are mandated by Federal law - Channels 62 and 66. We had no options who we dropped and did drop two shopping networks.

If there is any outage for more than 24 hours, the person is entitled to a credit.

As for WPIX, we have to make decisions re programs. The NFL has restrictions.

He and Ms. Gates have had this discussion many times.

As for the senior discount, there is a letter agreement as an addendum to the license. This is an issue that can be addressed individually and we will make our customer reps aware of it. Mr. Epstein said that the company by statute is required to give a rebate for outages over 24 hours, and if Media One knows of the outage, the customer should not have to call.

Mike Cariglia, 1 Castlewood Drive, said the quality of the channels seems to be lessening and he suggested taking out the lesser channels and put them on a higher plane, like HBO, Cinemax, etc.

Martha Spaulding, 19 Moore Street, said she still has received no type of response from Media One re the destruction of her console and the replacement cost.

Mr. Carr replied that during the meeting of August 25th he, Ms. Spaulding and Sel. Gates discussed this subject off-line, and the equipment was picked up as requested. Re the damage to her furniture he responded in writing to Ms. Spaulding and she rejected the offer.

Stanley McCall, 255 North Road, Chelmsford Village, said he tried to get I-Net at his complex and it was denied. Mr. Lawlor asked how it works there and Mr. Carr said in retro-fitting the plant we had to place a power supply at Chelmsford Village and they haven't granted us an easement. Their directors are negotiating with our Multi-Dwelling group. Media One Express operates at a higher band width, and until

we get the power supply in there we can't let them have it.

Fred Peterson, 47 Parkerville Road and a member of the Cable TV Advisory Committee, said there will be a third access channel which is not on line yet. He said there are continuing ghosting problems on Channels 10 and 22 and at the end of May an extra I-Net drop was placed at the football field and for the 4th of July Parade at the Center Common. The problems are: 1. ghosting, and 2. Access channel.

Tom Peterson, Cable 43, addressed the ghosting problem, saying that Media One says it is a defective modulator, but it has been going on since May. They claim they're trying to fix it.

Bob Carr said that the third access channel was to be made available October 1st but they needed some new equipment and it should be ready on November 11th. He will research the ghosting problem.

Samuel Poulten, 16 Berkeley Drive and Precinct 8 rep, said there have been many calls to him re their phone service but there has been an improvement since August. There are still outages on weekends and at night and it requires patience to get through. He asked Media One to continue to improve.

Secondly, he said he is here on behalf on the Nashoba Valley Tech School Committee. They're going to have a studio to tape and want to broadcast to the various Towns who are members of the district. They need the assistance of Media One and he gave them a letter as a formal request. He said there is a high number of students from Chelmsford and asked the BOS to support their request.

Mr. Lynch said he had a call during this meeting asking if the home shopping networks could be put on a pay per view basis and Mr. Carr said No, that we are required to carry two and the physically disabled use the Home Shopping networks. Attorney Epstein said that there are two must carries and the operator doesn't have the right to put them as an upper tier or pay per view. It's up to Media One whether or not to sign contracts with the channels. Mr. Carr added that the two that they carry are not on the lowest tier.

Mr. Lawlor then asked for Board questions.

Dr. Weisfeldt said many of his concerns have already been discussed: the "bundling" method of combining certain channels in a package is most disturbing to the viewers and the length of the phone calls and inexperience of the customer reps - how long will it take to get people trained?

Mr. Carr said we're now segmenting these calls and directing the non-complex calls to the less experienced reps. Re the time people are on hold, Mr. Reilly has addressed that in his handout. It takes eight weeks to train someone from start to finish. We've tried to shorten that time by giving people less training in special issues. We have people on the floor to handle special questions or double areas, and are offering overtime to all fully trained reps.

Dr. Weisfeldt said that Mr. Dalton's concerns are the same as his, and he is sorry not to be here. He asked if our contract allows "un-bundling" and Mr. Epstein told him that we have no control over their tiering structures, only basics and access. Mr. Reilly commented that you can buy some channels "a la carte".

97 DEC -2 PM 4:39

Mr. Eliopoulos commented that we need to follow through on the Senior Discount. Mr. Epstein will send a letter to the BOS. It is not in the contract because the company considered that as "rate regulations". The Town did negotiate for it and it was added as an amendment. Mr. Eliopoulos asked the access channels to publicize it.

Ms. Gates said that the 10% discount is off the lifeline tier ratio (basic rate) and is for heads of households over 65. The appropriate forms are available from Customer Service upon request.

Mr. Epstein asked how do they track the time to answer calls and Mr. Reilly said it is now an app. 70 second wait on Hold. Mr. Reilly said the figures are weighted, depending on the number of reps on at one time and do not reflect outage times due to storms. These stats are only to indicate that things are improving.

Kelly Beatty, Cable TV Advisory member asked if the average wait time is after someone gets into the loop? or a busy signal?

Mr. Carr said only into the loop, not a busy signal. Mr. Reilly said we need to add more phone lines, have increased the number by 50% and will add more if we need to.

Ms. Gates said that re in-house telephone reports - the contract says that these telephone reports should be provided to the issuing authority until this is resolved. Mr. Epstein said that the Town may just need to see the format of these reports, and asked them to get one to the Town Manager ASAP.

Ms. Gates said that re equipment and the cable boxes in homes, hers has some stations scrambled and Media One must know who has what box. Mr. Carr said that on August 25 he told the BOS that they went through once and replaced the oldest converters to get the basics. They would like to do a marketing sweep to offer people new services but they are not ready for that yet, they need to clear up the customer service problem first.

Mr. Lawlor questioned the quality of the product, particularly Channel 2, where the picture quality is lousy, and also several other channels. He said it is not just him but there have been several complaints on this.

Mr. Carr said that most people are seeing better quality but individual problems are not as forgiving on new systems and he will take a list of the names.

Mr. Epstein said that in the renewal license the Town negotiated the Town has the right to submit Media One to a busy signal study to be done by Bell Atlantic, their phone system. He asked if they have any sense of how many people get busy signals and said that Federal standards say not more than 3% and 30 seconds no less than 90% of the time. 74 seconds is clearly over the standard and what does the graph showing average response mean. When the telephone reports come in the Town will have to see how they correlate with Federal standards. With the number of calls now taking 6 minutes to handle and we're dealing with a diversified telecommunications company - U.S. West - he hopes there will be a discussions to whether the call center can handle any more, like ancillary services. Calls could take 10 - 15 minutes when

ancillary services become a reality.

Mr. Carr said that is an interesting question - within the next year the re-build will be at least 95% complete and the people they re hiring now are not temporary. Eventually they will have more I-Net calls than cable.

Motion by Ms. Gates, seconded by Mr. Eliopoulos, unan. that the Issuing Authority direct Media One to submit to a busy study by the phone company.

Mr. Lawlor said it is important that they talk apples and apples - the information they get must be geared to federal standards. He asked given Federal standards when will Media One be complaint with those standards. Mr. Reilly answered that by adding staff we hope to be where we should be.

Dr. Weisfeldt commented that there is no competition out there and what can we do. Mr. Epstein said there are remedies and options for the Board to take. He advised keeping a close eye on the weekly reports to see that they are making progress.

Mr. Lawlor thanked those in attendance and said that the hearing will remain open until Friday, November 14, 1997 so residents may enter further complaints or questions into the record. Media One must send a written response to all questions and complaints asked at the hearing.

At 9:10 pm motion by Mr. Eliopoulos, seconded by Dr. Weisfeldt, unan. to close the hearing and adjourn the meeting.

For the Board of Selectmen, by

Judith E. Carr

RECEIVED
97 DEC -2 PM 4:39
TOWN OF ELIZABETH
MAY E. STANLEY
TOWN CLERK

Town Clerk

TOWN CLERK
1998 JAN -6 PM 5:01

Meeting of the Board of Selectmen held Thursday, November 13, 1997. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present.

Mr. Lawlor said that this is the Board's annual Classification Hearing and explained about setting the tax rate for FY98, which begins July 1, 1997 and ends June 30, 1998. He said that we know how much we're going to spend from the Spring Annual Town Meeting and then we have to determine what our values are, what we need to tax.

Mr. Lawlor said that we have had a differential for the past 10-12 years between residential and commercial properties. Previous Boards decided to shift, with more tax for business and less for residential. Former Selectman Dick DeFreitas challenged classification and a committee was established - Tom Moran, Dick DeFreitas, Jim Doukszewicz, Glenn Thoren and Bob Joyce. The committee said that the Town's best interests are served by eliminating the shift. It is the Board's policy to ultimately eliminate classification in any year that it won't put a heavier burden on the residents.

Diane Phillips gave the Assessors report, stating that it is not their position to recommend anything. Ms. Philips had given materials to the BOS prior to the meeting, and explained it to them. Ms. Philips said they have 5 options, running from no shift with the tax rate at \$19.06 to a 4% shift as we have now, with commercial at \$19.84 and residential at \$18.90. The total difference on the average tax bill with no shift and a 2% shift would be app. \$11.68. Mr. Lawlor asked for the Town Manager's recommendation and Mr. Lynch said that if we try to achieve the Town's goal to get back to parity but with no burden to the residents, the best thing this year would be a 2% reduction and he recommends this. With the tax relief of \$750,000 provided at Town Meeting if we drop the shift by 2% to 2%, it drops the residential rate to \$18.99, which is still below \$19.00.

Ms. Gates noted that the residential taxes may still go up, depending upon valuation.

Chairman Lawlor asked for comments from members of the community. Attorney Doug Hausler, Board of Directors of the Chelmsford Business Association, said they have consistently advocated for the elimination of classification, that it is discriminatory and two years ago the BOS realized it should be phased out. The first year it went from 5% to 4% and last year stayed the same. Tonight the CBA is asking the BOS to phase it out - conditions presently exist to eliminate it. They ask the Board to take action to stop a policy that is discriminatory and unfair; it should be the same tax for the same services.

Jim Doukszewicz, a member of the Classification Committee, said that residential values are up 6/5% as of Jan. 1, 1997 and Commercial and Industrial up 9.5%. The value of Personal Property taxes (on utilities and small businesses) is up 19.5%. He said that the FY97 situation seems to have reversed itself and there should be a drop for FY98. Mr. Dalton asked if the Committee is making recommendations and Jim said that he polled the members and they supported a drop from 4% to 2% for now. We now don't have to wait 3 years to re-evaluate if there is a swing in values.

Former Selectman Dennis Ready said he was more responsible for putting

Classification in than anyone else and it was put in at a time when we were starting the sewer project. Industry probably has paid for sewerage and the Industrial Sewer Triangle paid for the Route 129 area. Title V has changed the parameters and he now has no problem going back to 100%.

Dr. Weisfeldt said when we set Town goals we hope to help the homeowners and he is more in favor of step-wise and feels comfortable with a 2% shift.

Ms. Gates said that as a Board we agreed to aim for parity when we can aim for parity and lower the residential rate. The rate will be lower per thousand but taxes won't be lowered because values are going up. She supports a 2% shift but if we really support parity than we should do it now.

Mr. Dalton said he supports 2% but he wants to see numbers from Jim and the Classification Committee and wait to vote on Monday night.

Mr. Eliopoulos said he figures that the average homeowner would save \$80, \$63 or \$52 depending on the value of their homes. He said the rate will be lower than the past 4 or 5 years and there is very little difference between going to 1 or 2% or parity - we're going in a positive direction.

Mr. Lawlor thanked Ms. Phillips and Mr. Lynch and said the Assessors Office has done an increasingly good job in cutting the lag time between evaluations on property. His opinion now is that fairness dictates ultimately no difference in tax rates, to be done during a time when it won't burden the homeowner.

Motion by Mr. Eliopoulos, seconded by Ms. Gates, to grant a 2% reduction this year which moves us that much closer to parity. Residents will still save money on the tax rate which is good for both sides.

Mr. Dalton said lets get more information and vote on Monday. We can talk to former members of the Tax Classification Committee. Jim said we try to deal with general patterns and the Committee understands the need for the phase out basis. Mr. Eliopoulos asked if they would have more to offer by Monday and Jim said only more statistical analysis. Dr. Weisfeldt said he would like to defer to his colleague who wants to wait but we have the numbers and there is nothing new to come on the table.

Motion by Mr. Dalton to defer voting to Monday night, seconded by Mr. Lawlor. Vote on the motion was 1 in favor (WFD) and 4 opposed.

The vote on Mr. Eliopoulos' motion to go to 2% was 5 - 0 in favor.

Under Other Business, Town Manager Lynch reported that we are continuing to work on the Forum and it will be voted out of the House Ways and Means in the next day or two and then to the Senate. We are continuing to work on the Carye property on Ledge Road and the two counsels are working together on it.

Under Appointments, Mr. Lynch said he has appointed Patricia Raynor to replace Paul Logan on the Commission on Disabilities. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve this appointment.

Contract Awards - Mr. Lynch said that he has awarded bids for the construction of a metal shed at the Highway Garage. This will be paid for with Chapter 90 monies.

He read the list of equipment, noting that all were low bids and recommended by DPW Director Pearson. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve these awards.

Under Unscheduled Business Mr. Lynch read the terms of the Memorandum of Agreement between Chelmsford and Billerica re the Forum which has been worked out by the Town Administrators. Mr. Lawlor explained how it came about - the Forum is serviced by Billerica Police, Fire and Medical personnel and these appropriations are for the cost of these services in lieu of taxes.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos for discussion, to approve the Agreement. Mr. Eliopoulos asked how does the agreement affect our liability and Mr. Lynch said it does not, that when we need police details they will be Billerica police, and we will not pay them.

Mr. Dalton amended his motion to include "subject to approval by the Billerica Board of Selectmen", and the vote was unanimously in favor.

The other item under Contract Awards was the purchase and removal of the Children's House from the Adams Library grounds. Mr. Lynch said that Douglas Marlowe and Linda DeYoung have offered \$1.00 and he is meeting with them Monday to discuss issues related to the move. He will award the sale of the property to them and report the details to the BOS on Monday. The cost of demolishing would be \$10 - \$15,000 and Mr. Lynch said this sale makes sense if there is no cost to the Town. He hopes to have a final vote on Monday, but Mr. Lawlor said he wants to further discuss this in Executive Session since it involves the sale of real property.

Mr. Lynch presented the "Buy Recycled" policy, noting that Mr. Lawlor presented a policy of this type when he was first a Selectman six years ago. The State has provided incentives to adopt this policy and Mr. Lynch hopes the BOS will review it and vote on December 1st.

A Stop Sign was requested at San Mateo Drive and Proctor Road, and the Police Dept. recommends that the Board approve the placement of this sign.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. that the BOS approve the installation of a Stop Sign at that location.

Ms. Gates said that a resident had a problem on Hunt Road on Halloween - that kids put tape across the road and the resident was on a motorcycle and almost garroted. Mr. Lynch said the Police Chief is going to recommend putting a streetlight in that area.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve a 1-day All Alcoholic license for St. John the Evangelist Church for Saturday, December 6, 1997.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve a 1-day Auctioneer's license for James Baynas, Jr. for Dec. 2 at the Chelmsford Elks. Mr. Dalton said he had asked Mr. Pearson to install a Stop Sign at the corner of Hunt and Pine Hill Roads and also for a School Bus Stop sign. Mr. Lynch said the

Stop Sign has been put in and the School Bus sign will be installed.
Mr. Dalton asked about the poles on Northern Avenue - they've been there since last spring. The Nynex letter said they using this area as a drop off and only for a couple of weeks.

Ms. Gates said she attended the Cultural Council meeting when they awarded the grants. They work very hard, and had to read and evaluate 41 grant proposals. She thanked their members for all the hours they put in.

Dr. Weisfeldt said he attended the Republican Town Committee meeting when Sen. Susan Fargo was there and de-regulation of the electric utility was discussed. We're asking our reps to oppose the bill as it stands because companies pass on bad investments to the consumer.

He reported that the Sewer Commission will hold hearings on Grinder Pumps. Ms. Gates said the burden of maintaining the pumps would fall on the individual homeowner. She is opposed to the idea and the Board should take a position on this. Dr. Weisfeldt said he will get the date of the hearing and get more information and we can discuss it Monday night.

Mr. Eliopoulos reported that he, Ms. Gates and Mr. Dalton attended a breakfast in Lowell to help the Salvation Army.

Mr. Lawlor reported that all Board members and the Town Manager attended the grand opening of the Lighthouse School. It was a difficult vote for the Board to take back the Center School but the new school is great and he gives credit to Mr. Gonsalves and Dr. Pappafagos.

At 8:25 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn to Executive Session to discuss real property and pending litigation. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Julio E. Carter

TOWN CLERK
1998 JAN -6 PM 5:01

Regular meeting of the Board of Selectmen held Monday, November 17, 1997. Members present were: Peter V Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present.

Donna Johnson, Linda Harrington and Linda Emerson of the Holiday Decorating Committee were present. Ms. Johnson told the Board that Christmas Prelude would be held on Sunday, December 7 from 4 pm to 6 pm, with the tree lighting at 5 pm. There will be hayrides and Santa Claus, and the big birch tree on the Common will be lit from underneath with \$1500 donated by the Police and Fire Unions. Nashoba Tech did new graphic signs for the Committee. Ms. Johnson said that the tree lighting ceremony on the North Common will be on Saturday, December 6th.

During Open Session Glenn Thoren, past Chairman of the Tax Classification Committee, said he missed the Classification vote taken by the Board last Thursday and congratulated the BOS in taking a step in the right direction. He hoped the Committee would do a trend analysis of previous years, because property values dropped a lot in the early '80's and now are starting to recover, businesses especially. He cautioned the Board not to drop too fast in any one year. He suggested to the BOS that before they set the rate they should have the trends and changes in trends and take some time out to look at the information that should be available.

Mr. Dalton had a list of a lot of information that the Tax Class. Committee has come up with and wants to have the old Class. Comm. become a standing committee. Mr. Lawlor commented that the cycle of our assessments has gotten shorter and has helped us to catch up with a faster increase in values. Mr. Thoren said that Free Cash needs may vary from year to year, and Mr. Lawlor answered that there is a wide number of variables that surface each year.

Noel Heinrich, 14 Wagon Trail Road, spoke to the Board about the Sewer Commission and grinder pumps and passed out information to the members. Mr. Lawlor said that some residents by the nature of their property need grinder pumps for sewerage, and the question is who will maintain them. Mr. Heinrich read a letter he had received from the Sewer Commission and gave a chronological outline of the grinder pump issue. He said he has had discussions with Weston & Sampson and polled his neighbors and 11 were against, and 1 person for having grinder pumps. They are asking why do they have to have grinder pumps when they have the capacity for gravity feed lines. He listed the reasons why the homeowners do not want them.

The Board then asked questions. Ms. Gates said she is outraged and what authority do we have to deal with this. Mr. Lynch told her that the purpose of the Sewer Commission is to build the sewer system and construction is up to them. He will do some follow-up work on this matter. Mr. Lawlor asked the BOS to re-visit the issues later and vote on it.

Dr. Weisfeldt said as liaison to the Sewer Commission he knows that they have gone into this matter very carefully and do not take it lightly. These questions will be better heard on Wednesday night when the Commission is holding a meeting on

grinder pumps.

Mr. Lawlor asked to defer the approval of the minutes to the next meeting.

The BOS held a Public Hearing on the application of Teleport Communications System. Bob Moklowski and Bart Tolman, Engineer, explained that they are asking to place fiber optic cables on existing utility poles in certain areas of the Town.

The hearing was advertised and no one present spoke in favor of or opposition to this petition. Mr. Lawlor said that DPW Director Pearson recommends approval. Dr. Weisfeldt asked if this is to supplement our cable or phone service and Mr.

Moklowski said No, they are a public telephone company governed by the Mass. D.P.U. He added that they're building a backbone system from Boston to Maine and have a mode at Cross Points. Chelmsford businesses will be able to tie in eventually. Ms. Gates asked if this is a case where revenue can be derived from additional lines on the poles, and Mr. Lynch said he will look into this. Mr. Lawlor said he doesn't think we have the ability to charge for placing these lines unless we have a by-law that allows us to do so.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to allow the placement of fiber optic cables on existing poles on the streets as listed in the petition.

Catherine Carbonneau, Mass. Electric Company, was present with a petition requesting permission to place underground cable #2AL 15KU on High Street from poles 17 and 18 as shown on Plan #H-758. Mr. Lynch said it may be off the pavement and appears to be in the right of way.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve Plan H-758 subject to its being in conjunction with the street opening requirement.

Joseph Gleason, Right of Way Engineer for Bell Atlantic, had two petitions:

1. to place 3 feet of conduit to service Ann's Way, off High Street (Plan 938) and
2. to place 3 poles on Pine Hill Road to get wires out of the trees, which have been causing a disruption in service. (Plan 936)

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve both petitions.

Under Town Manager Reports, Mr. Lynch said that the acquisition of the land on Ledge Road which was approved at Town Meeting usually requires formal RFP's, unless the property is unique. He read a resolution which will be posted in the Central Register.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan.

"I hereby move that the Town proceed with the acquisition of those parcels of land referred to in Article 31 of the Fall Town Meeting. The acquisition of those parcels is based upon a determination of uniqueness as those properties are directly and indirectly adjacent to other municipally held properties which have value to the Town."

Mr. Lynch reported on the Library move, stating that we are moving forward, with the people from the Billerica House of Correction packing up the furniture and the

book move this weekend. The temporary space in the gym is moving right along and they plan to move in next week and open Dec. 8th. A trailer will serve as the administrative office.

At the police car auction they sold a number of vehicles for \$13,975 which will go to equipping new vehicles with radio equipment.

Our first snowstorm was tough - we tried to coordinate the plowing timing with the sleet and freezing rain. He would guess the storm \$30 - \$30,000. We had out 8 - 10 sanders and all the plows.

Mr. Dalton said he had heard complaints re parking on the streets and re sidewalks not being plowed. Mr. Lynch said that school areas have been plowed first and other sidewalks a day or two later. Mr. Dalton said that other people use sidewalks to get to the store and Mr. Lynch said we do plow the sidewalks on Route 27 but school areas do come first. Mr. Lynch will follow up on Route 27 and Middlesex Street sidewalks and said that we do try to stretch the snow budget as much as possible. Mr. Lawlor said that he never has complained about snow removal in 6 years but the timing was poor on Friday and we should try to do better.

Under Contract Awards, Mr. Lynch said that on the Library Hazardous Material Abatement he awarded the bid to the low bidder Air Quality Experts for \$21,300. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve this bid.

Re the Children's House he met with Mr. Marlow and Ms. DeYoung today and would award them the bid for \$1.00. It is advantageous to preserve the house and is a cost savings to the Town not to have to move it ourselves. He read the list of contingencies and said they are working with us to provide the necessary bonding and insurance.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the award of the sale of the Children's House to Mr. Marlow and Ms. DeYoung.

Mr. Lawlor asked Mr. Lynch to give a brief background on why we sold the house for \$1.00, and Mr. Lynch said we did RFP's and an auction in early Fall and neither was successful. We looked at other possibilities and didn't have time to move it to municipal land. They are starting the addition in January, 1998 and there will be public hearings on any trees that have to be removed.

The building will be moved in two pieces down Route 4 and left onto 27, which has the fewest number of trees but the largest number of utility wires. The other way is up Bartlett Street and then down to High Street. One tree on High Street will have to be removed plus a few limbs.

Vote on the motion to approve the sale was unan. in favor.

Under Unscheduled Business the Board discussed grinder pumps and Dr.

Weisfeldt said the Sewer Commission hearing is Wed. night at 7:00 p.m. Ms.

Gates said there should be a letter from the BOS to be read at the hearing - we need to show them as strongly as possible how we feel.

Mr. Lawlor said there are 3 tiers: 1. who owns; 2. who maintains and 3. does it need to be there at all. Dr. Weisfeldt said they are on Smith Street and Warren Avenue

and Ms. Gates said it looks like they're getting ready to put grinder pumps on Wagon Trail Road.

Ms. Gates said her opinions are: 1. unless there is an engineering impasse everyone should be serviced by gravity flow; and 2. if grinder pumps have to be used, they should be operated and maintained by the Sewer Commission. Mr. Lynch said we need to find out how the Town can own something on someone else's property. Mr. Eliopoulos said we could at least maintain them, if the resident has to own it. Mr. Lawlor felt there is a gap between what we'd like to do and a lack of data as to what we ought to do. We need info backup as to professional engineering. Dr. Weisfeldt said he would like to be able to tell the Sewer Commission that we would like them to maintain the pumps.

Ms. Gates said if it costs only \$179,000 more to put in a gravity feed system it could cost that much more to maintain grinder pumps and under no circumstance should any resident be forced to shell out one more dime to maintain the sewer system.

Mr. Lynch read the letter from Jack Emerson which Mr. Heinrich referred to stating that if the pumps are put in the betterment assessment would be waived. Ms. Gates said that this is a cost saver, but not an engineering impossibility.

Mr. Eliopoulos said his concern is should we own them, or maintain them. From a philosophical standpoint don't use grinder pumps when gravity feed can be done even if it is more costly. His major concern is that we don't have a system in place to maintain them.

Motion by Ms. Gates, seconded by Mr. Dalton, that we write to the Sewer Commission stating that we support the building of gravity feed sewers whenever it is possible to be engineered, and barring that, to provide grinder pump systems with the cost of maintaining them to be borne by the Town and not the individual homeowner. Vote on the motion was 2 in favor (SJG, WFD), 3 opposed. Motion failed. Dr. Weisfeldt said that when Weston & Sampson says they're needed, the Sewer Commission listens to Weston & Sampson.

Mr. Dalton asked Mr. Heinrich if they have started work there yet and he said yes. Dr. Weisfeldt said wait until the hearing on Wednesday to express his concerns. Mr. Lawlor said he has to vote against the motion because he doesn't have enough information to vote on maintenance and installation. Mr. Lynch said he has concerns re the Town maintaining something outside of Town property - we need a lot more information, and an easement would be an absolute necessity.

Motion by Mr. Eliopoulos, seconded by Ms. Gates, that we write to the Sewer Commission: 1. asking them whenever it's engineering feasible to do so, to put in gravity feed systems regardless of cost; and 2. invite members of the Commission to our next meeting to discuss the ownership, placement and maintenance of grinder pumps. Vote was 4 in favor, 1 opposed (SGW).

At 8:45 pm Sewer Commissioner Barry Balan came to the meeting and Mr. Lawlor explained to him that the Board has been discussing using gravity feed rather than

grinder pumps in some areas - i.e., Wagon Trail Road, and talked about who will maintain them and the cost and placement of the pumps.

Mr. Balan said they had looked into Wagon Trail Road previously at the request of Mr. Heinrich and they expended monies to look into a cross country trail. Weston & Sampson said it was not a feasible route and would require blasting near homes. One-half of Wagon Trail will be gravity feed and the other half grinder pumps. The Commission spent \$4 - \$5,000 to do that study. The Board should talk to the Sewer Commission before they start making policies and the Commission has a very strong will to help people whenever they can. The pumps use about \$30 worth of electricity per year. Mr. Balan asked everyone to come to the meeting on grinder pumps on Wednesday evening to learn more about them. Mr. Lawlor said we won't have the whole picture until we talk to the Sewer Commission.

Under Selectmen Reports Dr. Weisfeldt thanked Marty Walsh and Regina Jackson for a great job on Veterans' Day. He said they have power outages often in his area and Mass. Electric problem is limbs hanging over wires and could we ask them to do periodic maintenance.

Mr. Eliopoulos reported that at the Media One hearing the Senior Discount was brought up and he would like a notice put on Channels 10 and 22, and ask Media One to send some forms to the Town Offices.

He said he has been having questions re the Housing Authority from Senior Citizens and asked if we could have David Hedison come in and speak on how to get on the list for elderly housing, what the qualifications are, how long the waiting list is, etc.

Mr. Eliopoulos reported that the group discussing the Host Community Agreement with Mass Gravel met last Friday and we're closer to reaching a reasonable agreement.

On the plowing of sidewalks issue, in South Chelmsford on Route 27 from the village kids walk to Byam School and it should be a priority safety concern.

He said that AARP has an article on changes in Medicare and he will leave copies in the office.

Mr. Eliopoulos said that between 16 and 18 Fuller Road there is a dead tree that should come down.

Mr. Dalton said that there is a branch down on the corner of Pinewood and Johnson Roads, and could it be picked up. Mr. Lynch we will check it out - if it is a Town tree we will pick it up.

Motion by Mr. Dalton, seconded by Dr. Weisfeldt, that we ask members of the former Classification Committee if they would be interested in becoming a standing committee - they could gather data ahead of time as they did ahead of time. If they say yes he moves to request the Town Manager to appoint a Standing Committee. Dr. Weisfeldt asked what if we disagree with their recommendation and Mr. Dalton said it's only a benchmark and we don't have to follow their recommendations. Their purpose would be to look at the tax rate in general, and classification in particular.

Ms. Gates asked Mr. Lynch if it a problem for him to get this information and he said No, we can get it form other offices. The Committee could take the information and put it into graph form, but Mr. Lynch said his office could do graphs. Ms. Gates said she could support asking Mr. Lynch to give the information to us.

Mr. Lawlor said he is not prepared to vote on a Standing Committee tonight Motion by Dr. Weisfeldt, seconded by Mr. Lawlor, to table this issue until the next meeting. Vote was 3 in favor, 2 opposed (WFD and SJG).

Dr. Weisfeldt commended Sun Reporter Sharon Weitz on her appearance on the Hot Seat.

At 9:10 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: WFD-Aye; PME-Aye; SGW-Aye; SJG-Aye and PVL-Aye.

For the Board of Selectmen, by

Judith E. Cate

TOWN CLERK
1998 JAN -6 PM 5: 01

Regular Meeting of the Board of Selectmen held Monday, December 1, 1997. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present.

During Open Session Neil Stark, Precinct 7, 4 Hostler Road, spoke on the issue of grinder pumps, gave the BOS a handout on the pumps, and said it was not fair that they would have to purchase and maintain these pumps while the rest of the Town is on gravity feed sewer lines. He said that grinder pumps should be put in as a last resort, that there is only a difference of \$46,000 between gravity feed and 18 grinder pumps and the Sewer Commission should re-think their position. He added that the City of Gloucester put in grinder pumps and then replaced them with gravity feed. He requested that the BOS in their executive position pass a policy of no grinder pumps.

Mr. Eliopoulos said we will have a report by the next meeting, and Mr. Lynch said that the Sewer Commission couldn't come tonight. He is gathering material to report to the BOS at the next meeting or the one after that.

Dick Gorham, 15 Fenwick Drive, reported that there are 12 families on Fenwick and Charlesgate and they also want to be treated equally.

Former Selectman Dennis Ready asked the BOS to come to his How to Run for Public Office on Wednesday and said that all residents are invited.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the minutes of: Oct. 20 (Reg. & Ex.); Oct. 29 - Mass Gravel Hearing and Ex.; Nov. 3 - Ex.; and Nov. 5 - Media One Hearing.

Mr. Lynch said he has no Town Manager Reports, Appointments or Contract Awards.

Sue Jamback, Director of the Chelmsford Public Charter School, as well as Founders Arlene Paquette and Nina Lewin, were present to give the BOS an update on the school. Ms. Jamback said that the Charter School is Chelmsford's newest public Middle School and gave out copies of their Annual Report. She said that this is their second year of operation and 86% of their students are from Chelmsford. All students get in through a Lottery Process. Ms. Jamback said that 5 persons from the Comm. of Mass. are coming to do an official site visit tomorrow and will spend the entire day at the School, with all types of interviews. They will submit a written report within a month, and all Charters are to be reviewed every 5 years.

Ms. Jamback then went over the Annual Report pointing out School and Student Performance objectives and Non-Academic Student Objectives. She said that the students are all in multi-age classes and will have the same teachers for 2 years, 5 and 6, and 7 and 8. The teachers have to create a 2-year dynamic, revolving curriculum. The students are given problems and methods for solving them. There are no

textbooks except for Math, and they are trying to prepare the students to use technologies out there when they are adults.

Ms. Jamback went over the highlights of the curriculum and Ms. Paquette said that the door is always open and asked people to come in any time, noting that it is the most dedicated staff she has ever seen.

Dr. Weisfeldt said they need to teach a Human Sexuality course. Ms. Jamback said she did a survey and most parents want the school to teach something in this area. She will take a presentation to the Board, and it will be taught.

Mr. Dalton asked about the number of students and Ms. Jamback said they have gone from 154 last year to 176 at present, which is what their Charter is written for. They have had 20+ students leave and all have returned but 5. They took in 22 new fifth graders, and 22 went on to the High School.

Mr. Lawlor said he has visited a couple of times and the energy level is awesome. He asked if they are going to track students as they go on and Ms. Jamback said Yes, it is not in writing yet but they plan to do it. Mr. Lawlor asked about location and she said they have a 5 year lease. He thanked Ms. Jamback for her presentation and she said that they welcome visitors.

No Board Members had reports except the Chairman and Mr. Dalton, who asked the Town Manager to check on the need for a streetlight at the corner of Gregory Road and Middlesex Turnpike - it is really dark there. Mr. Lynch said he will send the Traffic and Safety unit to look at it.

Ms. Gates asked what is the chronology for getting streetlights installed and Mr. Lynch said that we contact Mass. Electric and it is generally within 3 or 4 weeks. Mr. Lynch added that streetlights are not designed to replace house lights, that people still need lights on their property and the Town can't afford to do every pole.

Mr. Lawlor said that a Parlee Road resident told him that the lights were coming on either too late or too early, and Mr. Lynch said that this is generally a photo sensor problem.

Mr. Lawlor reported that Dalton Road looks like a disaster area, that they had a water main break and depressions are forming in the road. Mr. Lynch said he will talk to the Sewer Comm. and DPW about some paving.

Mr. Lawlor reported that Abbott Lane residents have complained that branches have been knocked down by the sewer vehicles. Mr. Lynch said they should report this to the Sewer Division.

Mr. Lawlor said he has received 2 or 3 calls from concerned citizens and said that the Board of Selectmen is paying a lot of attention to the grinder pump issue and are looking at all options.

Dr. Weisfeldt said that as liaison to the Sewer Commission they are also taking the grinder pump problem very seriously.

Under Unscheduled Business:

1. "Buy Recycled" policy - Mr. Lynch said this was prepared by Barbara Scavezze and expanded upon the current policy. There is State financial assistance to communities that have adopted this policy. Mr. Lawlor asked Ms. Scavezze who was present what towns have this type of policy and she said she knows there are several and we need this type of policy to get State grants. She said she did a survey on copy paper and the State offers re-cycled copy paper for \$21.00 a case, and a bit more for non-recycled. Mr. Lynch noted that the School Department is autonomous re procurement of materials.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the "Buy Recycled" policy.

2. Mr. Dalton talked about the Standing Classification Committee, saying that he wants to have it reinstituted and let them chart out where taxes are going in the community.

Dr. Weisfeldt said if it's part of the Committee's objective as long as the BOS has the final say he goes along with it.

Mr. Eliopoulos said the Committee should have been utilized when Classification first came in. His concerns are:

1. if the committee ever recommended going back in the other direction, away from parity; and
2. if the information sheet handed out at the last meeting can be done in house.

Mr. Dalton said their package doesn't bind us in any way - it helps us and points us in a much clearer direction.

Mr. Eliopoulos said he thought this was the year that we could get back to parity but 2% was fair - of their economic factors go upward? Mr. Dalton said we don't have to do so. Mr. Eliopoulos said if he has the figures, he can work the numbers. Mr. Dalton stated that it is good for us to have independent resources.

Ms. Gates asked Mr. Lynch to run down the list on Mr. Dalton's handout as to what we can do, and what they could provide.

- Mr. Lynch said that A. prior year's tax budget is a real budget, not proposed;
B. actual taxes collected all are contained in the Town budget;
C. cash surplus - the Free Cash number is supplied by the Dept. of Revenue;
D. disposition of budget surplus is voted at Town Meeting each year;
F. tax assessment each year is provided by the Assessors;
G. tax rate by category each year is provided by the Assessors;
H. tax collection receipts are provided by the Finance Director.

Ms. Gates said that A-H are already provided to us, and Mr. Lynch said that I. Graphs, etc. is just putting the above information on graphs. We have access to the software to do it. Mr. Dalton asked why haven't we had this all in one and Mr. Lynch said 1. no one's asked for it; and 2. most of the items don't have to do with classification, which is why he hasn't generated it before.

Ms. Gates said she wants to see this list even though Mr. Lynch doesn't feel it is applicable - she wants Mr. Dalton to have whatever information he needs.

Mr. Lynch said most of the information is already there and he will have the staff pull it together anyway - all BOS members have to do is ask.

Mr. Lawlor said the beginning and the end of the BOS obligation is how do we allocate funds - we're pretty close to parity and the BOS may reduce classification all together next year. He sees the duty of a Standing Classification Committee as non-essential - that all the data that Board members want is provided.

Motion by Mr. Dalton, seconded by Mr. Lawlor, to ask the Town Manager to appoint a Standing Classification Committee. Dr. Weisfeldt asked if Classification ends, does the Committee go away - there is no objective for it.

Mr. Eliopoulos said we should have had the Classification Committee the day we adopted Classification. We think we'll bring it to parity next year and would support a policy that would require that we receive this information timely fashion.

Vote on Mr. Dalton's motion was 2 in favor (WFD and SGW), 3 opposed. Motion failed.

Mr. Dalton asked for the information listed on his sheet.

Dr. Weisfeldt said he wants to commend Media One, the phones are answered promptly and people are getting good service.

Mr. Lawlor invited everyone to attend the Tree Lighting on the Common on Sunday, December 7th at 5:00 p.m. The Lighting on the North Common on Dec. 6th.

At 8:55 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to adjourn.

For the Board of Selectmen, by

John E. Carter

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1998 JAN 27 PM 4:53
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, December 15, 1997. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos, Stuart G. Weisfeldt and Susan J. Gates. Town Manager Bernard Lynch was also present.

Chairman Lawlor opened the meeting at 7:25 p.m.

During Open Session Neil Heinrich, 14 Wagontrail Road, spoke to the BOS, referencing a letter delivered to them on Saturday. He has other Wagontrail Road residents with him and they thought all sewer work would stop on Dec. 15, saying that the street is about 60% sewerred. He read his statement and asked all BOS members to attend the Sewer Commission meeting on grinder pumps on Dec. 17th.

Dick McNamee, 33 Abbott Lane, said he is not scheduled to receive a grinder pump and would not accept one if he was. A grinder pump is not a sewer system and the Town voted on a sewer system, not grinder pumps. He said there is not much ledge at the end of Abbott and the Sewer Comm. manual says this is not the proper way to go. He feels they're doing it for expediency and are hurting 2% of the Town.

Dick DeFreitas asked the BOS to stop in for the taping of his cable TV show the Hot Seat on Wed. and also the Warren Shaw show on WCAP on Sat. between 7:30 and 8 am.

Dan Wirth, 11 Wagontrail Road, asked Mr. Lynch about a quote from Sewer Commissioner Barry Balan that they spent \$5,000 for a study of Wagontrail Road. He would like to see a copy of the study and the invoice. Mr. Wirth also questioned the purchase of an Explorer vehicle by the Chairman of the Sewer Commission John Emerson. Mr. Lawlor told him that he may not speak of an individual's character if the person is not present.

Dr. Weisfeldt commented that the Sewer Commission and Weston & Sampson take this work very seriously. Mr. Eliopoulos said that Mr. Emerson's doctors have told him to not try to attend Sewer Commission meetings for a few weeks since his recent heart surgery. Mr. Lawlor told Mr. Wirth that: 1. the BOS was never asked to appropriate monies for Mr. Emerson's personal car, and 2. the Sewer Commission was not invited to be here tonight - we will meet with them in a few weeks; and 3. this Board is pursuing what we can to help Wagontrail Road residents and have asked Mr. Lynch to get information for options, which he will report on at the next meeting or so.

Mr. Wirth then referenced a letter of Nov. 1992, which was revised. Mr. Lynch asked for copies of that correspondence.

Ms. Gates asked Mr. Heinrich if he made a request to the Sewer Commission for a copy of the survey and he said yes, but Mr. Balan was too busy to see him.

Tom Mills, 21 Wagontrail Road, said he had hoped we were dealing in good faith,

that Mr. Balan had said no grinder pumps until next Spring, but they are installing them now. Ms. Gates said we were told that regular pipe would be placed and what we hear now looks like misinformation, and asked Mr. Lynch to facilitate communication and obtain the right information.

Neil Stark, 4 Hostler Road, said that Mr. Lynch has a chart pertaining to the design plan by Weston & Sampson showing the various costs per home with gravity feed and grinder pumps.

Eugene Radner, 16 Wagontrail Road, spoke asking for the engineering and cost rationale.

Mr. Lynch said that on Dec. 1 he told the BOS he would look into grinder pumps and maintenance and have a report either tonight or the first meeting in January. The Sewer Commission by Charter is responsible for the construction of the sewer system and will be in existence until sewerage is complete. Maintenance will be taken over by the DPW. It is the Commission's responsibility to plan and build the sewers and their construction budget is approved at Town Meeting. Mr. Lynch said that ultimately he signs off on every expense incurred by the Town of Chelmsford basically to insure that every expense is legal. The Sewer Commission has the right to spend grant and bond money as they see fit.

Mr. Lawlor asked to defer approval of the minutes until the next meeting.

Town Manager reports will be deferred until later in the meeting.

Dennis Ready said he had been appointed by Mr. Lynch to represent youth service organizations at the Mass. Summit on Volunteerism which started from the President's Summit for America's Future, held in April. The Summit insured that two million youths have access to the Fundamental Five resources: Mentor, Protect, Nurture, Teach and Serve.

Mr. Ready handed out a summary sheet on the Massachusetts Promise and said that at the Summit the morning was present with speeches, and at noon there was a panel session. He added that over 50% of the attendees were under 24 years old. He said the next event will be a Greater Lowell area meeting in February.

The Board then held its annual Public Hearing on the renewal of the Class III Auto Dealer's license for North Chelmsford Auto Parts. Phil D' Angelo was present representing his father Charles, owner of the establishment. No one present wished to speak in favor of or opposition to this license.

Mr. Lynch said there are a number of issues - that the fence is to be kept in good condition and we have had complaints re parking outside the fence at night. The biggest issue is that the fence must be put into the appropriate condition. Mr. D'Angelo said he is always repairing the fence when asked and wants to correct it permanently, but will have to install a different type of fence. Mr. Lynch said the Building Inspector has declared the fence an unsafe structure and asked Mr. D'Angelo when can he have it repaired - nothing has been done since November. Mr. D'Angelo said it can be repaired, but not replaced, by

April 15th. Mr. Lawlor asked if he will accept that as a voluntary condition and Mr. D'Angelo said yes.

There are already two conditions on this license.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. that we approve the renewal of the Class III license with the stipulation that the fence be repaired by April 15, 1998.

Dave English, Mass. Electric Company, was present with a petition to place buried conduit on Deca Drive, off Erlin Road. DPW Director Jim Pearson has no objection since it is a common driveway.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve Plan D-759.

Bell Atlantic was not present with their petition to expand the existing construction pad on Princeton Street.

Don Vondal was present from Superior Amusements requesting approval of two video games for IZA Pizza. The applications have been approved by the Police Chief and Building Inspector. Mr. Dalton said he had spoken to the owner and cautioned him about teenagers hanging around. The two games are Cruisin' USA, a driving simulation game, and X-men vs. Streetfighters, cartoon characters. Mr. Lawlor commented that Carlos Garcia seems to be running an excellent business. Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the installation of these two games.

Under Town Manager Reports, Mr. Lynch went over the Financial Report for the end of November noting that we have collected 47% of the projected receipts, and that Offset Receipts (Sewer User fees) will go up in the Spring. Expenditures are 33.4%. Overall the Town is in a positive financial position. Mr. Eliopoulos commented that State reimbursements look low, and Mr. Lynch told him that they are paid quarterly.

Mr. Lynch reported on Freeman Lake Dam, that we've asked the Conservation Commission to issue an Order of Conditions. The residents have filed an appeal re the draw down, and we're waiting for a response from the DEP.

Tax Relief - Mr. Lynch said that at one point Chelmsford was the 45th highest in the State but we've now dropped to 50th. He hopes to have more information in the near future.

Mr. Lynch said that we have received a letter from Attorney Peter Epstein re the performance review of Media One. He hopes the BOS will vote to issue this review and forward it to Media One by December 20th. Ms. Gates said this is the first step in taking any remedial action.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the report and send it to Media One.

Mr. Lynch said he has two appointments to the Cable Access Foundation - Susan Gates from the BOS and Cy Locke as the Town Manager's designee.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve these appointments.

Mr. Lynch reported that re the Library expansion, the low bid is \$3,960,000 but we are still reviewing performance and payment bonds, and checking out references. He will call a special BOS meeting before the end of the year to award the contract.

Under Annual License Renewals, Mr. Lawlor said that the BOS took a tour around the Town on Saturday and found that many premises that had non-compliance a year ago were all significantly improved. The Board would like to set a policy that no one serving alcohol should be drinking on duty. Mr. Lynch said he is working on policies, that we had a meeting with Rich Bowman and he is sending us some draft regulations and he would like to schedule a hearing by February 1st.

Mr. Lawlor said it is a condition of license renewal that all unpaid taxes are paid.

A list of all licenses granted by the BOS was provided to Board members. (See attached).

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve renewal of all licenses on Page 1.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve renewal of all licenses on Page 2 with the exception of 2 Ciro's and 2 Dunkin' Donuts.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to approve renewal of licenses to Ciro's on Concord and Ciro's on Chelmsford Street, and to Dunkin' Donuts on Chelmsford Street and Dunkin' Donuts at Drum Hill. Vote was 4 in favor, 1 abstention (PVL, due to a conflict of interest).

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve all licenses on Page 3 with the exception of Jimmy's Restaurant IV.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to approve the renewal of the license for Jimmy's Restaurant IV. Vote was 4 in favor, 1 abstention (PVL, due to a conflict of interest).

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve the renewal of all licenses on Page 4.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to approve all licenses on Page 5 with the exception of Vincenzo's and Zesty Pizza.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos to approve the renewal of Vincenzo's license. Vote was 4 in favor, 1 abstention (PVL due to a conflict of interest).

Motion by Mr. Dalton, seconded by Mr. Lawlor, to approve the renewal of Zesty Pizza's license. Vote was 4 in favor, 1 abstention (PME, due to a conflict of interest).

Mr. Lawlor announced that the Board met in Executive Session and voted to endorse the Mass Gravel Host Community Agreement. The Board of Selectmen will sign it.

Dr. Weisfeldt reported that the Center School Building Committee is meeting quite often and hope to go out to bid by mid-January. They are advertising for a Clerk of the Works and hope to break ground by mid April to have the building ready for September, 1999.

He reported that the School Committee meets tomorrow night and Dr. Moser will show the plans for re-districting.

He said that the Operational Review report looks quite positive for the school system.

Mr. Eliopoulos reported that the FinCom is getting set for budget hearings, starting January 8th.

He reported on EDP, saying that Sun Micro Systems and Hewlett Packard will be leaving Town and asked Mr. Lynch to get in touch with EDP to see what we can do to keep low vacancy rates. Mr. Lynch said we have a few leads.

Mr. Eliopoulos reported that the Senior Pharmaceutical Program is a big success, with some people saving up to \$90 per month.

He said he thinks we all should be at the grinder pump meeting on Wednesday night.

Ms. Gates reported that the first Bike Path Informational meeting was held and all abutters were notified by Certified Mail by NMCOG. The first meeting was to show the residents the railbed and buildings that are there and they will be holding individual meetings with the design engineer for abutters with concerns. By early Spring they hope to have the 25% design phase and will hold another Public Hearing. It will take until the year 2000 before the initial plan is completed. Rep. Clevon came to the meeting and said that her constituents support the Freeman Bike Path.

Ms. Gates said that re the grinder pump issue Town Counsel told her that we have the legal authority to deal with this issue. She can't be at the entire meeting on Wednesday but wants to support the residents.

Mr. Dalton reported that re the Bike Path issue, he listened to the Warren Shaw program and callers thought the BOS was selling them short. Ms. Gates called him and said they had had a public meeting. He will call a public hearing after the engineer meets with individual abutters, and Dr. Weisfeldt commented that people had input over two years ago. Ms. Gates said there was no real plan, just a concept, until we got the money this fall. Under the law we can't deviate from the railbed which is the transportation corridor.

Mr. Lynch said the Bike Path project has been kicked around for 13 years and that it was expanded in 1985 to go from Lowell to Sudbury. He has spoken to abutters over the years and if the residents feel ignored, he will be glad to speak with them.

Mr. Dalton said there is a sidewalk on the righthand side of Princeton Street at the lights that a resident asked if we could plow it. The DPW said it is a state highway and Mr. Lynch will look into having it plowed.

Mr. Dalton asked if there is any classification information and Mr. Lynch said it is forthcoming.

He asked about the Center School - he heard that we were using the gym over

there, and when did this happen. Mr. Lynch said that when the library took over this gym, we put some recreation programs there.

Mr. Lawlor asked Mr. Lynch to summarize the Mass Gravel Host Community Agreement. Mr. Lynch said that Mass Gravel had done work at the Lowell Landfill and got to know this site. They had discussions with the DEP, who put the owner on notice that something needs to be done with this site. The DEP issued a Court Order that the site needs to be filled in and capped. Mass Gravel contacted the Town and we worked out with them to do what was required under the Consent Order. It was decided by the BOS and the Board of Health to work towards the Host Community Agreement. The Town will support this project moving forward with certain conditions. There are environmental problems so DEP has ordered it capped and filled. The Agreement documents how that filling will take place. Conditions include the materials that can come in, a limit on the fill, hours of operation, limit the number of trucks, a single route to and from the site, a complaint procedure, testing of materials, testing every 5,000 yards of material from the Central Artery project, and all plans must be submitted to the Town for their approval. The Host Community fee is 50 cents per ton, with a minimum of \$1,000,000. This is common when materials of this type are brought into a community. There is security for performance and payment. Mr. Lynch said it is a positive, good agreement for the Town, and it was crucial in the way the Town approached it.

Mr. Eliopoulos said he was strongly against it in the beginning due to the impact it could have on the Town but all his concerns were worked out with the Board of Health, Town Counsel and Mass Gravel. He is comfortable with the way it stands now.

Under BOS Reports Mr. Dalton asked if the roof is leaking at Old Town Hall, and Mr. Lynch told him that the steeple section is in bad shape and we bid it out. Someone was ready to do the work in July, but he doesn't know the status and will check on it.

Mr. Dalton thanked Mr. Lynch for getting the streetlight installed at the corner of Gregory Road and Old Middlesex Turnpike.

Mr. Lynch said that we are hiring a Clerk of the Works to do two jobs - the Library addition and the renovation of the Center School. We are trying to bring both projects in on budget.

Eugene Radner, 16 Wagontrail Road, asked to bring up two points: 1. the so-called survey that was done down the paper road from Wagontrail Road to Pine Hill Road - there is enough pitch to use gravity feed sewers. There are no signs of survey work, and no borings. 2. Grinder pumps - a generator doesn't drive grinder pumps but would have to be hard wired to the house at a cost of \$1,000+. Who will have to haul it out of the garage and plug it in every time the power fails - there are a lot of power failures in this area, which are not compatible to grinder pumps. He also discussed the capacity of the grinder pumps. and thanked the BOS and Mr. Lynch for their continued patience.

Chairman Lawlor then made his reports:

1. the people who participated in the Christmas Prelude on the Common did a great job. Selectmen Eliopoulos and Weisfeldt attended the Vinal Square tree lighting on Saturday.
2. Mr. Lawlor then announced that he will not be seeking re-election. He has run 3 times and completed two terms and feels it is time to step down.

At 9:30 pm motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to adjourn.

For the Board of Selectmen, by

Judd E. Carter

TOWN CLERK

1998 JAN -6 PM 5: 01

Special Meeting of the Board of Selectmen held Monday, December 22, 1997 at 4:30 p.m. Members present were: Peter V. Lawlor, William F. Dalton, Philip M. Eliopoulos and Stuart G. Weisfeldt. Selectman Susan J. Gates was unable to be present due to a previous commitment. Town Manager Bernard Lynch was also present.

Mr. Lynch told the BOS that we have three items of business:

1. Approve the Town Manager's Contract Award for the Adams Library General Contractor; 2. approve the moving of the Children's House and Carriage House from the library property; and 3. the appointment of a Deputy Tree Warden for the month of January.

Mr. Lynch said we have checked the Mello Construction Company references and he is awarding the bid as General Contractor for the project to Mello Construction, Taunton, Mass. in the amount of \$3,866,100.00. They were the low bidder.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to approve this bid award. The vote was 4 - 0 in favor.

Mr. Lynch said we have checked out other projects they have done, and we also have to make sure that the sub-contractors do their job. Mr. Eliopoulos asked if this is an architectural control job, and Mr. Lynch said all bills are approved by them and also the Clerk of the Works. Inspections will be handled by the architect. We'll put a contract together and they'll get performance and payment bonds.

The next item of business was to approve the moving of the Carriage House and the Children's House. Mr. Lynch said he awarded the sale of the properties to Doug Marlow and Linda DeYoung for \$1.00 a month ago, and the BOS must provide written permission for the move.

Dr. Weisfeldt asked if we need a public hearing to cut trees on High Street, and Mr. Lynch said the public statute does not apply when moving public buildings. We will have to remove 2, maybe 3 trees and trim up to 25 and any branch over 1 1/2" in diameter - all have to be listed.

Kim McKenzie, 101 High Street, said they may have to come before the Planning Board for a Public Hearing to take down trees on a scenic road. The neighbors are concerned and want a Public Hearing and since the Town designated High Street as a scenic road he feels they owe the neighbors that courtesy.

DPW Director Jim Pearson was present and said that under Chapters 85 and 87 of the Mass. Gen. Laws we must hold a Public Hearing on the removal of shade trees unless: 1. if the Tree Warden and/or the BOS consider it a danger to passing vehicles in the street; 2. if it is a publicly funded project to widen the road or repave it; and 3. if the building is being moved under a permit issued by the Board of Selectmen under Chapter 85, and scenic roads are covered by this exception.

Mr. Lynch said that Town Counsel gave us that opinion two years ago, and that the building is scheduled to be moved by January 15th.

Mr. McKenzie said that the Planning Board released the lot at their last meeting to facilitate the move and that the Planning Board would be willing to have a Special Meeting if the time element was such. The Planning Board doesn't want to stop the moving of the building but we want to minimize the detrimental effect on High Street.

Mr. Pearson said that moving the building in 2 sections up Little High Street, between Bartlett Street and Route 27, involves 33 trims, with 11 on the scenic road section, with the removal of one dead tree and two others. One live tree is to be removed on the scenic road portion.

Mr. McKenzie said the neighbors are looking at it like the Westlands tree removals, when Public Hearings were held. Mr. Pearson said the list looks worse than the actual cutting and the most work noticeable would be on Little High Street. On the long part of High Street there are much less branches over the road. Mr. Pearson said he has met with Doug Marlow and there is a room on the second level of the house with mahogany trim and it would be prohibitive to take it apart and put it back together.

Mr. Lawlor said that to sum up, Town Counsel says the Board of Selectmen has the statutory authority to award the bid and to approve the house moving, and trees may be trimmed back without a hearing. Mr. McKenzie has asked that the neighbors be shown the courtesy of a Public Hearing.

Mr. Pearson said that re scenic roads, a hearing would be with the Tree Warden and the Planning Board. Dr. Weisfeldt commented that there are a lot more trees involved in the Westlands and Mr. Pearson said that hearing was more to introduce the project itself to the neighborhood. Mr. McKenzie said that notice for a Public Hearing notice has to be given at least 2 weeks.

Mr. Marlow said he has to line up with utility companies and the tree surgeon and doesn't want to make it too late. Legally, if you don't have to, could we advertise and hold a Public Hearing within a week? Dr. Weisfeldt said what if we hold a hearing and they say No, and Mr. McKenzie said we may have to look at options. Mr. Marlow said he has a list of 33 items to be done, and could we have it advertised for the 29th. He didn't think we needed a hearing so he didn't advertise. We can't anticipate the weather and have had delays on the site work. Mr. Pearson told them that the notice has to be published two times, the first at least 8 days before the hearing.

Mr. Lawlor said he wants to leave tonight with a vote - if there is time for a hearing before January 15th, OK.

Mr. Pearson said it has always been the Hogans, Community Tree Service, who do the work for the Town but Mr. Pearson said he doesn't want to order trees cut down for the Town himself.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, to appoint David Nicol as Deputy Tree Warden for the month of January. Vote was 4 - 0 in favor.

Mr. Marlow said if we advertised on Dec. 26th we could hold a Public Hearing on January 6th, but he would prefer not to.

Mr. Lawlor said again he wants the vote tonight - even if we have a hearing with input it won't change our vote.

Motion by Mr. Dalton, seconded by Mr. Eliopoulos, that the BOS vote to approve the moving of the Children's House and the Carriage House from the Adams Library property to High Street. Vote was 4 - 0 in favor. Mr. Lynch said that Town Counsel said it is alright to proceed without a hearing.

At 5:10 p.m. motion by Mr. Dalton, seconded by Mr. Eliopoulos, unan. to adjourn the meeting.

For the Board of Selectmen, by

Judith E. Carter

